

ORDER NO. 200307-01

**AN ORDER OF THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE GAINES COUNTY, TEXAS DISASTER DECLARATION NO. 1 REGARDING THE PENDING COVID-19 PUBLIC HEALTH EPIDEMIC AND EMERGENCY, AND THE EXECUTION AND IMPLEMENTATION THEREOF BY THE COUNTY JUDGE; AND (2) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.**

**WHEREAS**, Gaines County, Texas ("County") is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the Gaines County Commissioners Court ("Commissioners Court") is the governing body of said County; and

**WHEREAS**, it is recognized by the national and international public health professions that a novel coronavirus currently exists called Severe Acute Respiratory Syndrome Coronavirus 2 (currently designated in those professions as SARS-CoV2) which causes the disease now recognized worldwide as "COVID-19;" and

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death, and further, the COVID-19 virus is highly contagious and primarily is transmitted between people in close contact through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, COVID-19 has been declared an epidemic and global pandemic by the World Health Organization, and further, the Centers for Disease Control and Prevention ("CDC," an administrative agency of the United States Department of Health and Human Services) advised that person to person contact presents great risk of COVID-19 transmission between humans; and

**WHEREAS**, on March 13, 2020, the Governor of Texas issued a disaster proclamation, pursuant to Chapter 418 of the Texas Government Code ("Chapter 418") and other authority, therein certifying that COVID-19 was an imminent threat of disaster for all counties in the State of Texas, and further, on March 19, 2020, the Governor issued Executive Order GA-08, containing among other things (1) provisions stating that COVID 19 is recognized globally as a contagious respiratory virus, (2) provisions stating that COVID-19 was recognized on March 19, 2020 by the Texas Department of Health Services as public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and (3) certain conduct restrictions and prohibitions designed to improve public health and prevent or decrease the transmission of COVID-19 in Texas; and

**WHEREAS**, the Commissioners Court by this order, and pursuant to Chapter 418 and other applicable authority, desires in the public interest to approve, adopt, implement, and enforce the County's proposed Disaster Declaration No. 1 regarding the pending COVID-19

epidemic and public health emergency, in the form and scope as described in the attached **Exhibit A** ("Disaster Declaration No. 1"), among other things to (1) prevent or decrease the transmission of COVID-19 in Gaines County, Texas, and (2) protect the public, including County staff, from the devastating effects of COVID-19 on public health, community welfare, and the local economy; and

**WHEREAS**, the approval, adoption, implementation, and enforcement of Disaster Declaration No. 1 and this order shall accomplish or substantially achieve all public purposes therein described.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Gaines County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.
- (2) The caption and preliminary recitals of this order, and all attached documents, are incorporated by reference.
- (3) The Commissioners Court hereby approves and adopts in all things the execution, implementation, and enforcement of the County's proposed Disaster Declaration No. 1 regarding the pending COVID-19 epidemic and public health emergency, in the form and scope as described in the attached **Exhibit A**.
- (4) The Commissioners Court orders that: (a) the Gaines County Judge shall (i) properly execute and implement Disaster Declaration No. 1 in the form and scope as described in the attached **Exhibit A**, and (ii) timely initiate and complete on behalf of the County and as allowed by law all tasks necessary or desired to accomplish the filing, distribution, and implementation of the Disaster Declaration No.1 in the public interest; and (b) the County's staff and legal counsel shall assist the County Judge in the timely initiation and completion of all necessary or desired tasks described in this instrument.
- (5) All notice and conditions precedent for the lawful enactment, approval, and adoption of the Disaster Declaration No. 1 have been timely accomplished.
- (6) This order shall take effect immediately from and after its passage.

- (7) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

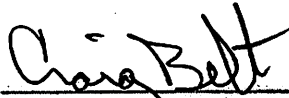
**ORDERED, APPROVED, AND ADOPTED** on the 27 day of March, 2020.

**THE COMMISSIONERS COURT OF  
GAINES COUNTY, TEXAS**

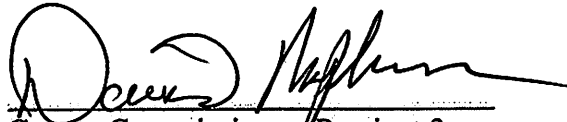


County Judge  
Gaines County, Texas

County Commissioner, Precinct 1  
Gaines County, Texas



County Commissioner, Precinct 2  
Gaines County, Texas



County Commissioner, Precinct 3  
Gaines County, Texas

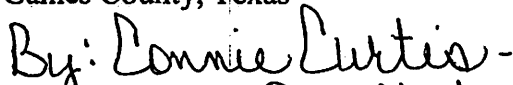


County Commissioner, Precinct 4  
Gaines County, Texas

**ATTEST:**



County Clerk  
Gaines County, Texas

By:   
Dep Clerk

Dubin-Rosson

**EXHIBIT A**  
**(Disaster Declaration No. 1; COVID-19 Epidemic)**

**GAINES COUNTY TEXAS:**

**DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY  
COVID-19 EPIDEMIC – ORDER NO. 1**

**WHEREAS**, it is recognized by the national and international public health professions that a novel coronavirus currently exists called Severe Acute Respiratory Syndrome Coronavirus 2 (currently designated in those professions as SARS-CoV2) which causes the disease now recognized worldwide as “COVID-19;” and

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death, and further, the COVID-19 virus is highly contagious and primarily is transmitted between people in close contact through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, COVID-19 has been declared an epidemic and global pandemic by the World Health Organization, and further, the Centers for Disease Control and Prevention (“CDC,” an administrative agency of the United States Department of Health and Human Services) advised that person to person contact presents great risk of COVID-19 transmission between humans; and

**WHEREAS**, on March 16, 2020, the CDC requested the public to decrease the spread of COVID-19, among other things, by (1) avoiding social gatherings in groups of more than ten (10) people, (2) using drive-through, pick-up or delivery options at restaurants and bars, and (3) avoiding visitation at nursing homes and other facilities; and

**WHEREAS**, on March 13, 2020, the Governor of Texas issued a disaster proclamation, pursuant to Chapter 418 of the Texas Government Code (“Chapter 418”) and other authority, therein certifying that COVID-19 was an imminent threat of disaster for all counties in the State of Texas, and further, on March 19, 2020, the Governor issued Executive Order GA-08 (“EO-GA-08”), a copy of which is attached as **Exhibit 1**, containing among other things (1) provisions stating that COVID 19 is recognized globally as a contagious respiratory virus, (2) provisions stating that COVID-19 was recognized on March 19, 2020 by the Texas Department of Health Services as public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and (3) certain conduct restrictions and prohibitions designed to improve public health and prevent or decrease the transmission of COVID-19 in Texas; and

**WHEREAS**, Gaines County, Texas (“County”) desires by this instrument (“Declaration”) to take extraordinary measures as allowed by law, including without limitation all applicable provisions of Chapter 418, to (1) declare that a local state of disaster exists in Gaines County, Texas due to the threat and existence of COVID-19, (2) declare that COVID-19 constitutes an epidemic and local disaster pursuant to Chapter 418, (3) prevent or decrease the transmission of COVID-19 in Gaines County, Texas through approval and adoption of EO-GA-08, a copy of which is attached as **Exhibit 1**, as well as other conduct restrictions and prohibitions designed to improve public health in Gaines County, Texas and prevent or decrease the transmission of COVID-19, (4) protect the public, including County staff, from the devastating effects of COVID-19 on public health, community welfare, and the local economy, and (5) implement and/or reserve

all powers, actions, rights, and remedies afforded the County, including its elected or appointed public officials, pursuant to all applicable legal authority in order to deal with, defeat, and recover from the effects of COVID-19.

**NOW, THEREFORE, BE IT DECLARED, RESOLVED, AND ORDERED BY THE COUNTY JUDGE OF GAINES COUNTY, TEXAS, FOR AND ON BEHALF OF SAID COUNTY AND IN THE PUBLIC INTEREST, AS FOLLOWS:**

**Interpretation**

**SECTION 1.** Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in this Declaration.

**SECTION 2.** All statements made in the preliminary recitals of this Declaration and all attached documents are incorporated by reference and constitute fact findings to support this Declaration.

**Effective Date, Duration, and Amendment**

**SECTION 3.** The effective date of this Declaration is the 27 day of March, 2020 at 2 o'clock P.m. This Declaration shall supersede all previous orders on this matter that are in conflict or inconsistent with its terms and provisions.

**SECTION 4.** This Declaration shall take effect immediately from and after its execution, and shall not be continued or renewed for more than seven (7) days from its effective date, subject to being extended, modified, amended, rescinded, or superseded as allowed by law.

**Disaster Declaration, Activation of Emergency Management Plan, Prohibited Conduct, and Enforcement**

**SECTION 5.** The provisions of EO-GA-08 issued by the Governor of Texas are approved and adopted as described in the attached **Exhibit 1**.

**SECTION 6.** A local state of disaster for a public health emergency is hereby declared and exists for Gaines County, Texas pursuant to the authority granted in sections 418.004 and 418.108 of the Texas Government Code and other applicable authority, due to the existence and threat of the COVID-19 epidemic as herein described.

**SECTION 7.** This disaster Declaration activates the emergency management plan of Gaines County, Texas and authorizes the furnishing of aid and assistance pursuant to this Declaration, as well as Chapter 418 and other applicable authority.

**SECTION 8.** Pursuant to the applicable provisions of Chapter 418 and other authority, this Declaration authorizes the County and its Commissioners Court and/or County Judge to take

any action authorized by law deemed necessary or advisable to protect public health and suppress the transmission COVID-19 and its related virus during the declared COVID-19 disaster and its recovery period, including without limitation the: (a) establishment of quarantine stations or centers; (b) quarantine of persons and occupied structures or areas; (c) regulation of ingress and egress to occupied structures or areas; (d) regulation of medical and healthcare facilities to insure compliance with the state and County regulations and directives relating to the declared COVID-19 disaster; (e) evacuation of persons and the regulation of ingress and egress of persons to or from the County or parts thereof where COVID-19 or its related virus exists or is reasonably suspected to exist; (f) prohibition of certain conduct and activities to prevent or decrease the transmission of COVID-19; (g) all matters stated in this Declaration; and (h) enforcement of this Declaration, the County's emergency management plan, and other applicable statutes and regulations pursuant to all applicable actions, remedies, and penalties, including civil litigation and criminal enforcement, as allowed by law.

**SECTION 9.** Pursuant to EO-GA-08, a copy of said order being attached as **Exhibit 1**, the following conduct and activity prohibitions are hereby enacted for Gaines County, Texas in order to protect public health and prevent or decrease the transmission of COVID-19:

- (a) Pursuant to the guidelines stated in said order, every person shall avoid social gatherings in groups of more than 10 people.
- (b) Pursuant to the guidelines stated in said order, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors, provided, however, that the use of drive-through, pickup, or delivery options are allowed and highly encouraged throughout the duration of this Declaration.
- (c) Pursuant to the guidelines stated in said order, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- (d) Pursuant to the guidelines stated in said order, schools shall temporarily close.

**SECTION 10.** Pursuant to EO-GA-08, and notwithstanding anything herein stated to the contrary, this Declaration does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This Declaration does not constitute a Shelter in Place or Stay at Home order, and does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses may continue to provide essential services. For workplaces and government entities that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this Declaration will expire.



**SECTION 11.** Regarding the provision of essential government services by Gaines County, Texas to the public during the COVID-19 disaster, the following procedures are enacted:

- (a) The County will continue to provide essential government services to the public, but will do so pursuant to an action plan for limited or reduced public access to certain County services, offices, and staff.
- (b) The action plan will be posted on the County's website at [www.gaines.co.tx.us](http://www.gaines.co.tx.us) and may be amended or revised at County discretion.
- (c) Some of the County's public offices and properties (including without limitation those located in the Gaines County Courthouse in Seminole, Texas) essentially will be closed for unlimited public access, and the scheduling for the provision of essential government services by appointment only will be required.
- (d) The scheduling and holding of the public meetings of the Commissioners Court of Gaines County, Texas shall continue pursuant to Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), including for consideration and implementation all statutes allowing telephonic or videoconference public meetings. During those public meetings, the attending public, as well as the County's elected officials, appointed officials, and employees will take appropriate public health measures (including appropriate social distancing) to avoid or decrease the transmission of COVID-19.
- (e) Notwithstanding anything to the contrary stated in this Declaration, the provision and/or coordination by the County of law enforcement and emergency services to the public will be continued and maintained, including without limitation law enforcement services, jail operation services, and fire, ambulance, EMS, and 911 emergency call operations; however, during the provision of said services, the public and the County's elected officials, appointed officials, and employees will take appropriate public health measures to avoid or decrease the transmission of COVID-19.
- (f) During interaction between members of the public and the County's elected officials, appointed officials, and employees for government services, compliance with a public health protocol will be required and enforced, complete with health screening (including appropriate social distancing) and the potential denial of public access to County offices or staff if a reasonable risk exists of COVID-19 transmission or exposure.

**Filing and Posting**

**SECTION 12.** This Declaration shall be given prompt and general publicity by: (a) prompt filing with the County Clerk of Gaines County, Texas; (b) posting at the Gaines County

Courthouse at the physical location where Commissioners Court meeting agendas are posted; (c) posting on the County's internet website at [www.gaines.co.tx.us](http://www.gaines.co.tx.us); and (d) submission to all state and/or local governmental entities, or agencies thereof, as required by law.

### **Conditions Precedent**

**SECTION 13.** All conditions precedent and notice for the lawful approval and adoption of this Declaration have been accomplished, and the form, scope, and content of the Declaration is in compliance with the applicable provisions of Chapter 418.

### **Notice**

**SECTION 14.** Any necessary or desired notice or document submission to the County Judge of Gaines County, Texas regarding or related to this Declaration shall be sent to: Hon. Tom Keyes, County Judge, Gaines County, Texas, Gaines County Courthouse, 101 South Main Street, Room 201, Seminole, Texas 79360; telephone (432) 758-5411; facsimile (432) 758-4031; e-mail [tom.keyes@co.gaines.tx.us](mailto:tom.keyes@co.gaines.tx.us).

### **Partial Invalidity**

**SECTION 15.** Should any part of this Declaration, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Declaration shall remain fully effective and operable.

### **Headings**

**SECTION 16.** The separate headings contained in this Declaration are for reference and convenience only, and shall not limit or otherwise affect in any way the meaning of this Declaration.

### **Adopted Authority**

**SECTION 17.** The following legal authority, as amended, including the express and implied powers and authority therein granted to the County, its Commissioners Court, and/or its County Judge, are hereby approved and adopted to support the enactment, interpretation, implementation, and enforcement of this Declaration: the applicable provisions of Chapter 418 of the Texas Government Code and other applicable authority.

### **Enforcement**

**SECTION 18.** The following enforcement provisions are approved and adopted pursuant to section 418.173 of the Texas Government Code and other applicable authority:

- (a) The County reserves all rights to pursue, and shall implement and pursue, all actions and remedies allowed by law or equity to address a violation or threatened violation of this Declaration, the Gaines County emergency

management plan, or a rule, order, or ordinance adopted under said plan, including without limitation civil litigation and criminal prosecution.

- (b) A person who knowingly or intentionally violates or fails to comply with this Declaration, the Gaines County emergency management plan, or a rule, order, or ordinance adopted under said plan commits an offense which is punishable by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed one hundred-eighty (180) days.

EXECUTED at 2:25 o'clock A .m. on this the 27 day of March, 2020, the Effective Date of this Declaration.

Tom N Keyes  
Tom Keyes, County Judge  
Gaines County, Texas.

**ATTEST:**

Terri Berry  
Terri Berry, County Clerk  
Gaines County, Texas

Terri Berry  
Printed Name: By: Connie Curtis  
Deputy County Clerk By: Dep Clerk  
Gaines County, Texas

**EXHIBIT 1**  
**(EO-GA-08, Dated March 19, 2020)**

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
March 19, 2020

EXECUTIVE ORDER  
GA 08

*Relating to COVID-19 preparedness and mitigation.*

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.001 of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC:

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:52 AM O'CLOCK

MAR 19 2020

- Order No. 1 In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- Order No. 2 In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
- Order No. 3 In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Order No. 4 In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This executive order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect and in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the  
19th day of March, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughes in black ink.

RUTH R. HUGHES  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:59 AM O'CLOCK

MAR 19 2020