

ORDER NO. 01-112420

AN ORDER OF THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE GAINES COUNTY, TEXAS DISASTER DECLARATION NO. 19 REGARDING THE 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, the Governor of Texas has issued prior and active disaster declarations and proclamations for the State of Texas regarding the existing COVID-19 epidemic, pursuant to Chapter 418 of the Texas Government Code and other authority, containing among other things (1) provisions stating that COVID 19 is recognized globally as a contagious respiratory virus and is an imminent threat to all counties in Texas, (2) provisions stating that COVID-19 was recognized by the Texas Department of Health Services as a 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 authority, desires in the public interest to approve, adopt, implement, and enforce the County’s **Disaster Declaration No. 19** regarding the existing COVID-19 epidemic and public health emergency, in the form and scope described in the attached **Exhibit A (“Disaster Declaration No. 19”)**, 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. 19** 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:

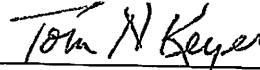
- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other, where necessary for a correct meaning.
- (2) The caption and preliminary 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 **Disaster Declaration No. 19** regarding the existing COVID-19 epidemic and public health emergency, in the form and scope described in **Exhibit A**.
- (4) The Commissioners Court orders that:
 - (a) The Gaines County Judge shall: (i) properly execute and implement **Disaster Declaration No. 19** in the form and scope described in **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. 19** in the public interest.
 - (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) The Commissioners Court finds, declares, and orders the following pursuant to Executive Order No. 29 (“**EO-GA-29**” issued July 2, 2020 by the Governor of Texas), and Executive Order No. 30 (“**EO-GA-30**” issued September 17, 2020 by the Governor of Texas), the contents of which are incorporated by reference, relating to the expanded reopening of

Texas and the use of mask coverings in certain counties during the continuing COVID-19 disaster:

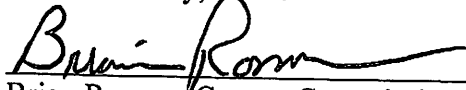
- (a) **EO-GA-29** indicates a county may obtain an exemption from some of the mask covering requirements stated in **EO-GA-29**, if, among other things: (i) no more than 20 active COVID-19 cases exist in the county; (ii) an exemption application attesting to that fact is made by the county judge to the Texas Department of Emergency Management (“TDEM”) pursuant to the requirements of **EO-GA-29**; and (iii) TDEM has reviewed the application and grants the exemption to the county.
- (b) More than 119 active COVID-19 cases currently exist in Gaines County, Texas, therefore: (i) no exemption has been granted by TDEM to the County; and (ii) the mask requirements of **EO-GA-29** currently apply to Gaines County, Texas, subject to the specific exceptions therein stated.
- (c) Should the County obtain an exemption from TDEM to the mask covering requirements of **EO-GA-29**, the Commissioners Court and TDEM promptly shall notify the public through postings on the: (i) County internet website at www.gaines.co.tx.us; and (ii) TDEM website at www.tdem.texas.gov/ga29.
- (d) Questions regarding the mask covering requirements of **EO-GA-29** should be directed to the following public office: Hon. Tom Keyes, County Judge, Gaines County, Texas, Gaines County Courthouse, 101 South Main Street, Room 201, Seminole, Texas 79360 (office address) or P.O. Box 847, Seminole, Texas 79360 (mailing address); telephone (432) 758-5411; facsimile (432) 758-4031; e-mail tom.keyes@co.gaines.tx.us.
- (6) All notice and conditions precedent for the lawful enactment, approval, and adoption of this order and **Disaster Declaration No. 19** have been timely accomplished.
- (7) This order shall take effect immediately from and after its passage.
- (8) 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 24th day of November, 2020.

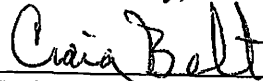
**THE COMMISSIONERS COURT OF
GAINES COUNTY, TEXAS**



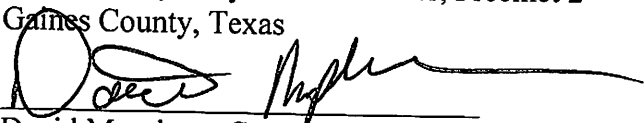
Tom Keyes, County Judge
Gaines County, Texas



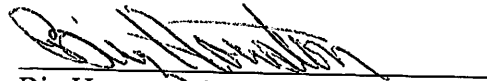
Brian Rosson, County Commissioner, Precinct 1
Gaines County, Texas



Craig Belt, County Commissioner, Precinct 2
Gaines County, Texas



David Murphree, County Commissioner, Precinct 3
Gaines County, Texas



Biz Houston, County Commissioner, Precinct 4
Gaines County, Texas

ATTEST:



Terri Berry, County Clerk
Gaines County, Texas

or

_____, Deputy County Clerk
Gaines County, Texas

EXHIBIT A
(Gaines County, Texas COVID-19 Disaster Declaration No. 18)

GAINES COUNTY TEXAS
DECLARATION OF LOCAL DISASTER DUE TO
PUBLIC HEALTH EMERGENCY REGARDING COVID-19 EPIDEMIC,
ORDER NO. 19

(Effective at 12:01 a.m. Local Time on November 25, 2020)

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, the Governor of Texas has issued prior and active disaster declarations for the State of Texas regarding the existing COVID-19 epidemic, pursuant to Chapter 418 of the Texas Government Code (“Chapter 418”) and other authority, containing among other things (1) provisions stating that COVID 19 is recognized globally as a contagious respiratory virus and is an imminent threat to all counties in Texas, (2) provisions stating that COVID-19 was recognized by the Texas Department of Health Services as a 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 Governor of Texas, pursuant to Chapter 418 and other authority, has issued executive orders and proclamations, and from time to time has amended or revised some of those instruments, in response to the existing COVID-19 disaster, including without limitation (1) his Executive Order No. GA-30 (“EO-GA-30,” the contents of which are incorporated by reference, issued September 17, 2020, and relating to a continued response to the COVID-19 disaster as Texas reopens) containing revised regulations for the reopening of Texas, including (a) revised business operation expansions, restrictions, and exemptions, (b) revised restrictions and

exceptions regarding gatherings of 10 people or more, and (c) recommended compliance with certain health protocols, and (2) his Executive Order No. GA-29 (“**EO-GA-29**,” the contents of which are incorporated by reference, issued July 2, 2020, and relating in part to the use of mask coverings in certain non-exempt counties during the COVID-19 disaster); and

WHEREAS, on May 7, 2020, the Governor of Texas, pursuant to Chapter 418 and other authority, issued an executive order regarding the COVID-19 epidemic and public health emergency which modified his prior COVID-19 executive orders to eliminate confinement as a punishment for violating a COVID-19 executive order; and

WHEREAS, as used in this instrument, “said Texas Governor documents” shall mean those executive orders and proclamations issued by the Texas Governor in response to the COVID-19 epidemic and public health disaster, and including said documents (1) specifically described in this instrument, and/or (2) issued by the Texas Governor subsequent to the signature date of this instrument; 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 authorized by Chapter 418, but not inconsistent with said Texas Governor documents, in order 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, public health emergency, 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 said Texas Governor documents, and restrictions and prohibitions not inconsistent with said documents and 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 to the County, including its elected or appointed public officials, pursuant to all applicable legal authority not inconsistent with said Texas Governor documents, 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.

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

Effective Date, Duration, and Amendment

SECTION 3. This **COVID-19 Disaster Declaration No. 19** shall take effect at 12:01 a.m. local time on November 25, 2020, and thereafter shall supersede all previous declarations or orders regarding this matter that are in conflict or inconsistent with its terms and provisions.

SECTION 4. This **COVID-19 Disaster Declaration No. 18** shall expire at 11:59 p.m. local time on December 22, 2020, unless prior to that date and time: (a) all of the executive orders or proclamations issued by the Texas Governor declaring the COVID-19 epidemic a disaster for a land area including all or part of Gaines County, Texas have expired or been terminated – in which event this Declaration shall automatically terminate; or (b) this Declaration has been terminated, revised, or extended by a subsequent order of the Commissioners Court.

Disaster Declaration, Activation of County Emergency Management and Action Plans, Prohibited Conduct, and Enforcement

SECTION 5. A local state of disaster for a public health emergency is hereby declared and exists for Gaines County, Texas pursuant to Chapter 418 and other applicable authority not inconsistent with said Texas Governor documents, due to the existence and threat of the COVID-19 epidemic as herein described.

SECTION 6. This disaster Declaration activates the emergency management plan of Gaines County, Texas and authorizes the furnishing of aid and assistance pursuant to this Declaration, Chapter 418, and other applicable authority.

SECTION 7. Pursuant to the applicable provisions of Chapter 418 and other authority, this Declaration authorizes the County to take action authorized by law, in accordance and not inconsistent with said Texas Governor documents, and deemed necessary or advisable to protect public health and suppress the transmission of COVID-19, including when necessary 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 are reasonably suspected to exist; (f) prohibition of certain conduct and activities to prevent or decrease the transmission of COVID-19; and (g) all other matters stated in this Declaration and their lawful enforcement.

SECTION 8.

- (a) Pursuant to and consistent with said Texas Governor documents and the applicable authority granted to the County by Chapter 418, it is ordered that the prohibited activities described in said Texas Governor documents, and the authorized reopening activities and procedure described in said Texas Governor documents, are hereby approved, adopted, and enacted for Gaines County, Texas to protect public health, prevent or decrease the transmission of COVID-19, and to assist the reopening of services as part of the Governor's plan to reopen Texas in response to the COVID-19 epidemic and disaster.
- (b) In accordance with said Texas Governor documents, it is ordered that the active minimum recommended health protocols and guidance documents issued by the Texas Department of State Health Services ("DSHS") for certain individuals, businesses, entities, and places are hereby approved, adopted, and enacted as guidance for Gaines County, Texas, as described in said Texas Governor documents and at www.dshs.texas.gov/coronavirus.

SECTION 9. This Declaration does not constitute a Shelter in Place or Stay at Home order and does not mandate sheltering in place.

SECTION 10. 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 services to the public, but will do so pursuant to a **County Action Plan** (approved and revised by the Commissioners Court) for potential limited or reduced public access to certain County services, offices, and staff due to the COVID-19 emergency, using public health guidelines and references described in said Texas Governor documents, this Declaration, and the County Action Plan. The County Action Plan is posted on the County's website at www.gaines.co.tx.us and may be amended or revised at County discretion.
- (b) Some of the County's public offices and properties may be closed

for unlimited public access, and the scheduling for the provision of essential services by appointment may be required.

- (c) The scheduling and holding of the public meetings of the Commissioners Court will continue pursuant to Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), including telephonic or videoconference public meetings to be conducted as allowed by law, as needed and at the discretion of said Court.
- (d) The provision and/or coordination by the County of law enforcement and emergency services to the public will be continued and maintained, including law enforcement services, jail operation services, and fire, ambulance, EMS, and 911 emergency call operations.
- (e) For the safety of the public, all authorized interaction occurring between the public and the elected officials, appointed officials, employees, and representatives of the governmental entities herein described, for or relating to the provision of government services, will occur in compliance with the public health guidelines, guidance, authority, and references described in said Texas Governor documents, this Declaration, and the County Action Plan. The denial of public access to government services will occur if an unreasonable risk of COVID-19 transmission or exposure exists pursuant to the public health guidelines, guidance, authority, and references described in said Texas Governor documents, this Declaration, or the County Action Plan, including the guidance documents of the South Plains Public Health District provided to the County regarding the practice of good workplace hygiene, environmental cleanliness and sanitation, social distancing, and screening protocol.

Filing and Posting

SECTION 11. This Declaration shall be given prompt and general publicity by: (a) filing with the County Clerk of Gaines County, Texas; (b) posting on the County's internet website at www.gaines.co.tx.us; and (c) submission to state and/or local governmental entities, or agencies thereof, if required by law.

Conditions Precedent

SECTION 12. All conditions precedent and notice for the lawful approval and adoption of this Declaration have been accomplished, and the form, scope, and content of this Declaration comply with the applicable provisions of Chapter 418.

Notice

SECTION 13. 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 (physical location/office address), or P.O. Box 847, Seminole, Texas 79360 (mailing address); telephone (432) 758-5411; facsimile (432) 758-4031; e-mail tom.keyes@co.gaines.tx.us.

Partial Invalidity

SECTION 14. 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 15. 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 16. 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: Chapter 418.

Enforcement

SECTION 17. The following enforcement provisions are approved and adopted:

(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 said Texas Governor documents, this Declaration, the County's emergency management or action plan, or a rule, order, or ordinance adopted thereunder, commits an offense which is punishable as follows: (i) for a mask violation pursuant to **EO-GA-29** (or pursuant to a subsequent

criminal penalty pronouncement made by the Texas Governor for a mask violation), a fine not to exceed \$250.00 for the first violation, and a fine not to exceed \$250.00 per violation for each subsequent violation; and (ii) for any other violation, a fine not to exceed \$1,000.00.

Execution

EXECUTED at 1010 o'clock a.m. local time on the 24th day of November, 2020.

EFFECTIVE at 12:01 o'clock a.m. local time on the 22nd day of December, 2020.

Tom N Keyes

Tom Keyes, County Judge
Gaines County, Texas.

ATTEST:

Terri Berry

Terri Berry, County Clerk
Gaines County, Texas

or

Printed Name: _____
Deputy County Clerk
Gaines County, Texas