

STATE OF TEXAS §
 §
COUNTY OF JEFF DAVIS §

FILED
AT 4:30 O'CLOCK P M
APR 12 2021
Jennifer Wright
JENNIFER WRIGHT
CLERK OF COUNTY COURT
JEFF DAVIS COUNTY, TEXAS
DEPUTY

**FIRST AMENDED ORDER NO. 2021-04A BY
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
CONTINUATION OF DISASTER DECLARATION**

**Order Extending Continuing Disaster Declaration and
Instituting and Continuing Certain Emergency Measures Due to a
Public Health Emergency in Jeff Davis County due to COVID-19,
in Conformity with Governor Abbott's Executive Order GA-34.**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to the pandemic spread of COVID-19; and

WHEREAS, by declaration issued on March 19, 2020, County Judge Kerith Sproul Hurley declared a local state of disaster for Jeff Davis County, which was continued by the Jeff Davis County Commissioners Court through 11:59 p.m. on April 30, 2020, including a Shelter in Place Order enacted April 2, 2020; and

WHEREAS, on April 27, 2020 Governor Abbott released his Executive Order GA-18 and the Governor's Report to Open Texas, and specified that GA-18 superseded all local orders; and

WHEREAS, on July 2, Governor Abbott enacted Executive Order GA-29, requiring all individuals to wear face coverings in public places, subject to certain exemptions; and

WHEREAS, on September 13, 2020 Governor Abbott issued Executive Orders GA-30 (increasing occupancy limits to 75% for some businesses and prohibiting outdoor gatherings larger than 10 people unless approved by county judge or mayor) and GA-31 (relating to hospital capacity), to become effective on September 21, 2020; and

WHEREAS, on October 7, 2020, Governor Abbott issued Executive Order GA-32, increasing occupancy limits for more businesses to 75% and opening bars and taverns, effective October 14, 2020; and

WHEREAS, on March 2, 2021, Governor Abbott issued Executive Order GA-34, lifting the statewide mask mandate and restoring 100% occupancy to all businesses in counties that are not in an area with high hospitalizations as defined in the order; and

WHEREAS, to date Jeff Davis County has had 146 confirmed cases of COVID-19, 42 probable cases, 26 active cases, and at least 4 deaths; and

WHEREAS, Jeff Davis County is an international tourist destination with very limited medical facilities (1 local clinic), and peak tourist season will begin in one week; and

WHEREAS, although thankfully many Jeff Davis County residents have been vaccinated with Pfizer or Moderna vaccines, there are new and more contagious variants of COVID-19 that are spreading rapidly in the United States; and

WHEREAS, emergency measures are therefore necessary to protect the health and welfare of Jeff Davis County residents from the spread of COVID-19, especially for our elderly and at-risk populations; and

WHEREAS, pursuant to Texas Health and Safety Code §121.003(a), the commissioners court of a county may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, with new stimulus packages, loans, and grant programs being debated or offered, it is imperative for this Disaster Order to be renewed and continued so that Jeff Davis County residents are eligible to participate in these COVID-19 relief programs; and

WHEREAS, the Jeff Davis County Commissioners Court on March 8, 2020, adopted Order No. 2021-04 to continue and extend the Disaster Declaration for Jeff Davis County due to COVID-19 from 12:01 a.m. on March 10, 2021 until 11:59 p.m. on April 15, 2021, in accordance with GA-34; and furthermore on April 12, 2021, adopted this First Amended Order No. 2021-04A to continue and extend the Disaster Declaration from 12:01 a.m. on April 16, 2021 through 11:59 on May 15, 2021.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF JEFF DAVIS COUNTY, TEXAS:

That the following measures are in effect for the duration of this Order:

1. CONTINUATION OF DISASTER DECLARATION.

County Judge Sproul Hurley's declaration of local state of disaster due to public health emergency dated March 19, 2020 and First Supplemental Emergency Disaster Declaration dated April 3, 2020 are hereby extended, continued, and renewed for Jeff Davis County pursuant to Texas Government Code §418.108(b).

This Order shall supersede all previous Orders issued earlier, shall become effective at 12:01 a.m. on March 10, 2021, and shall remain in effect until 11:59 p.m. on March 15, 2021, subject to and including any other orders by the Jeff Davis County Commissioners Court or Executive Orders of the Governor of the State of Texas.

2. CONFORMITY WITH GOVERNOR ABBOTT'S EXECUTIVE ORDER GA-34.

This Order continues the disaster declaration for Jeff Davis County under the conditions specified in Governor Abbott's Executive Order GA-34. The Governor's Executive Orders can be found at:

<https://lrl.texas.gov/legLeaders/governors/displayDocs.cfm?govdoctypeID=5&governorID=45>

3. CAPACITY RETURNED TO 100% UNLESS "HIGH HOSPITALIZATIONS" IN TRAUMA REGION

Pursuant to GA-34, so long as Region 9 is not an area of "high hospitalizations", all businesses in Jeff Davis County may operate at 100% capacity.

Should Region 9 become an area of "high hospitalizations" as defined in GA-34 (seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent), then the Jeff Davis County Judge can implement COVID-19-related mitigation strategies as specified in GA-34.

4. FACE COVERINGS STRONGLY ENCOURAGED BUT NOT REQUIRED UNDER GA-34:

According to GA-34, "individuals are strongly encouraged to wear face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering."

5. BUSINESSES MAY REQUIRE STRICTER COVID-19 MEASURES

According to GA-34, "[N]othing in this executive order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering."

6. SOCIAL DISTANCING.

In accordance with Governor Abbott's Executive Orders and the recommendations of the CDC, Jeff Davis County residents and visitors of all types shall implement social distancing while conducting business outside of the household, and shall practice good hygiene, environmental cleanliness, and sanitation to help prevent the spread of COVID-19.

7. VIOLATIONS AND PENALTIES.

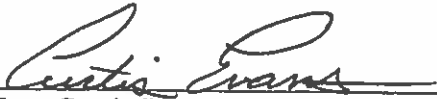
- A. GA-34 specifies that "no jurisdiction may impose confinement in jail for violating any Order issued in response to COVID-19", and "no jurisdiction may impose a penalty of any kind for failure to wear a face covering or failure to mandate that customers or employees wear face coverings, except that a legally authorized official may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner."
- B. In accordance with Texas Penal Code §12.05 and Governor Abbott's statewide disaster declaration, the following crimes are enhanced (increased) by one degree if committed during the time of disaster declaration:

- Assault
- Arson
- Robbery
- Burglary
- Burglary of coin-operated machines
- Burglary of vehicles
- Criminal Trespass
- Theft

8. SEVERABILITY.

It is hereby declared to be the intention of the Jeff Davis County Commissioners Court that the phrases, sentences, paragraphs, and sections of this order are severable. If any part of this order shall be superseded by Executive Order of the Governor of the State of Texas or ruled unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutional phrase, sentence, paragraph, or section shall be severed from the order by operation of the judgment; however, this unconstitutionality shall not affect the remaining phrases, sentences, paragraphs, and sections, which shall remain in full force and effect.

THIS FIRST AMENDED ORDER NO. 2020-04A IS HEREBY APPROVED, ORDERED, AND ADOPTED on this the 12th day of April, 2021, by a vote of 4 Ayes and 1 Nays, to be effective from 12:01 a.m. on April 16, 2021 until 11:59 p.m. on May 15, 2021.



Hon. Curtis Evans, County Judge

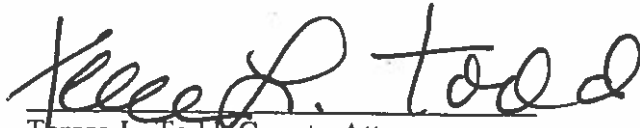
ATTEST:



Jennifer Wright, County and District Clerk

By: _____

APPROVED AS TO FORM:



Teresa L. Todd, County Attorney