

DECLARATION OF COUNTY DISASTER DUE TO PUBLIC HEALTH EMERGENCY
BY THE COUNTY JUDGE OF JEFF DAVIS COUNTY, TEXAS

WHEREAS, in December 2019 a novel coronavirus, now designated as COVID-19, was detected in Wuhan City, Hubei Province, China, and has proceeded to spread globally. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, the United States Center for Disease Control and Prevention (CDC) reports that older people and people of all ages with severe underlying medical conditions seem to be at higher risk of developing serious COVID-19 illness; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation, case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS, on March 7, 2020, the World Health Organization urged every country to take all necessary measures to slow further spread of COVID-19 and to protect health systems from becoming overwhelmed; and

WHEREAS, the CDC states that "it's likely that at some point, widespread transmission of COVID-19 in the United States will occur; and

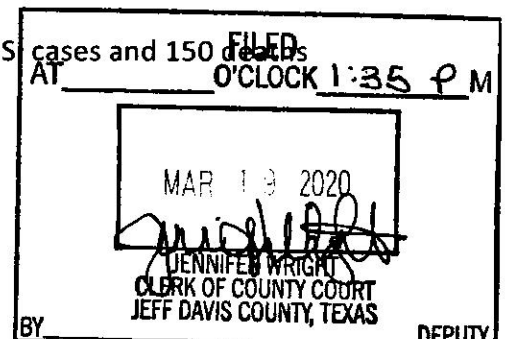
WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared that the COVID-19 outbreak in the U.S. constituted a national emergency; and

WHEREAS, also on March 13, 2020, Texas Governor Greg Abbott declared that COVID-19 is a statewide public health disaster, and directed day cares, nursing homes and prisons to limit visitations and ordered state employees to work from home, where possible; and

WHEREAS, on March 17, Texas Governor Greg Abbott activated the Texas National Guard to potentially assist with the COVID-19 response; and

WHEREAS, as of March 91, 2020, the CDC confirmed 10,442 U.S. cases and 150 deaths related to COVID-19; and



WHEREAS, it is the desire and the duty of Jeff Davis County to take reasonable measures necessary to protect the health, safety, and welfare of our county residents during this time of pandemic; and

WHEREAS, there are currently no known active COVID-19 cases within Jeff Davis County, which is 2,200 square miles and has a county population of approximately 2,264; and

WHEREAS, the emergency declarations by President Trump and Governor Abbott occurred during Spring Break, the beginning of tourist season in Jeff Davis County, Texas; and

WHEREAS, Jeff Davis County is the home of the University of Texas McDonald Observatory, which brings 80,000 visitors per year to Jeff Davis County; and

WHEREAS, Jeff Davis County's position as a national and international tourist destination places our county residents at increased risk of exposure to COVID-19; and

WHEREAS, there is no hospital in Jeff Davis County; and

WHEREAS, the medical needs of the Tri-County area of Brewster, Jeff Davis, and Presidio are served by the Big Bend Regional Hospital, a small 25-bed regional hospital in Alpine, which is located in neighboring Brewster County; and

WHEREAS, neither our regional hospital nor our one medical clinic in the county has the capacity to test for COVID-19; and

WHEREAS, should Jeff Davis County experience active cases of COVID-19, this could easily overwhelm our limited medical facilities, and put the medical needs of our county residents in direct competition with active COVID-19 cases for extremely limited medical resources (e.g. two ventilators at the regional hospital); and

WHEREAS, this foreseeable medical scenario would place the health and welfare of our county residents in serious and potentially irreversible peril; and

WHEREAS, for the foregoing reasons, the emergence and spread of COVID-19 within Jeff Davis County poses an imminent threat of widespread illness resulting from an epidemic that requires emergency action; and

WHEREAS, the County Judge of Jeff Davis County has therefore determined that extraordinary measures must be taken to protect the health and welfare of County residents from the effects of COVID-19, especially for our vulnerable elderly and at-risk population; and

WHEREAS, pursuant to the Texas Disaster Act of 1975 (Texas Government Code Chapter 418), the County Judge is designated as the emergency management director of Jeff Davis County; and

WHEREAS, Texas Government Code Chapter §418.108 authorizes the presiding officer of the governing body of a political subdivision to declare a county state of disaster; and

WHEREAS, a Declaration of County Disaster and Public Health Emergency includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, prevent the spread of the disease, and promote the health and welfare of county residents from the effects of COVID-19; and

WHEREAS, Jeff Davis County will work collaboratively with all cities and incorporated areas within the county and with all counties within the tri-county area of Brewster, Jeff Davis, and Presidio as well as the county health authority, and shall work within the entire region including Brewster County, Jeff Davis County, Presidio County, Culberson County, Hudspeth County, and El Paso County through the Rio Grande Council of Governments, to ensure that all appropriate and necessary measures are taken to limit the development, contraction, and spread of COVID-19; and

WHEREAS, by this Emergency Disaster Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the County Judge under the Texas Disaster Act of 1975, I hereby authorize the use of all available resources of state government and political subdivisions to assist in the County's response to this situation; and

WHEREAS, I, Kerith Sproul Hurley, the County Judge of Jeff Davis County, have determined that extraordinary and immediate measures must be taken to prevent the spread of COVID-19 in Jeff Davis County;

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF JEFF DAVIS COUNTY, TEXAS:

1. That a county state of disaster due to public health emergency is hereby declared for Jeff Davis County pursuant to Texas Government Code §418.108(a).
2. Pursuant to Texas Government Code §418.108(b), the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by the Jeff Davis County Commissioners Court.
3. Pursuant to Texas Government Code §418.108 (c), this Emergency Disaster Declaration shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
4. Pursuant to Texas Government Code §418.108(d), this declaration activates the Jeff Davis County Emergency Management Plan, and authorizes the furnishing of aid and assistance under the Declaration.

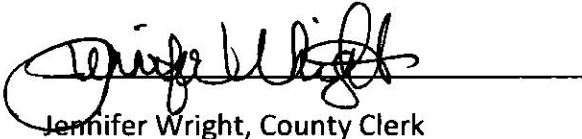
5. This Declaration authorizes the County to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the County, emergency hospitals and other hospitals, and insuring compliance for those who do not comply with the County's rules and directives.
6. Pursuant to Texas Health and Safety Code §121.003(a), the governing body of a county may enforce any law that is reasonably necessary to protect public health.
7. That this Declaration hereby limits the size of gatherings to not more than ten (10) people and the cancellation of all such gatherings for more than ten (10) people until further notice. A "gathering" refers generally to a scheduled event or common endeavor where ten (10) persons are present in a confined space, room, or area.
8. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.
9. That this Declaration hereby authorizes the use of all lawfully available enforcement tools.
10. Pursuant to Governor Abbott's emergency disaster declaration dated March 13, 2020, the County Sheriff's Office is authorized to implement enhanced criminal penalties for certain crimes committed during this time of emergency.
11. This Declaration authorizes the County to suspend or modify any order, regulation, rule, procedure, process, policy or County covenant.
12. Pursuant to the statutory authority cited above, I, County Judge Kerith Sproul Hurley, hereby declare a State of County Disaster due to Public Health Emergency.
13. Further Directives to implement this Declaration will follow and will be updated from time to time as necessary to prevent the spread of COVID-19 within Jeff Davis County.
14. This proclamation shall take effect immediately from and after its issuance, and, upon approval by the Commissioners Court, shall continue in effect until terminated by the County Judge. Pursuant to this Declaration, additional directives may be issued by the County Judge at any time as deemed necessary.

ORDERED, PROCLAIMED, AND DECLARED on this the 19th day of March, 2020.



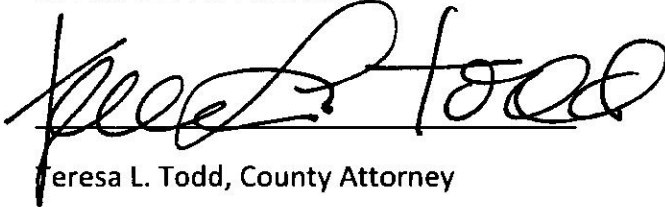
Hon. Kerith Sproul Hurley, County Judge

ATTEST:



Jennifer Wright, County Clerk

APPROVED AS TO FORM:



Teresa L. Todd, County Attorney