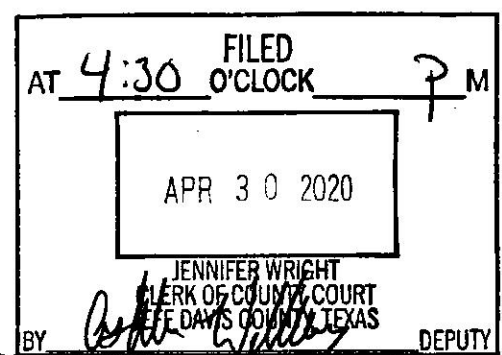


STATE OF TEXAS

§
§
§

COUNTY OF JEFF DAVIS



**ORDER #2020-03
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
CONTINUATION OF DISASTER DECLARATION**

**Order Continuing Disaster Declarations and Instituting and Continuing Certain
Emergency Measures Due to a Public Health Emergency in Jeff Davis County, in
Conformity with Governor Abbott's Executive Order GA-18.**

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Governor Abbott released his Executive Order GA-18 and the Governor's Report to Open Texas, and specified that GA-18 superseded all local orders; and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, the Jeff Davis County Commissioners Court in response to GA-18 allowed Order #2020-02 Part 1 (Disaster Declaration including local provisions and restrictions) and Part 2 (Shelter in Place) to expire according to their terms; and authorized a new and updated Local Disaster Declaration Extension Order to continue for thirty (30) days under the statewide requirements contained in GA-18; and

WHEREAS, on the date of passage of this Order, there are no confirmed cases of COVID-19 within Jeff Davis County; and

WHEREAS, Jeff Davis County is an international tourist destination with very limited medical facilities (1 local clinic); 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, the Jeff Davis County Commissioners Court hereby extends the Disaster Declaration for Jeff Davis County an additional thirty (30) days, until 11:59 p.m. on May 30, 2020 or until modified by official action of the Jeff Davis County Commissioners Court or the Governor of the State of Texas:

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 May 1, 2020, and shall remain in effect until 11:59 p.m. on May 30, 2020 unless modified by official action of the Jeff Davis County Commissioners Court or the Governor of the State of Texas.

2. CONFORMITY WITH GA-18.

This Order continues the disaster declaration for Jeff Davis County, and implements Phase 1 of reopening Texas as contained in GA-18 and the Governor's Report to Open Texas. GA-18 can be found at https://gov.texas.gov/uploads/files/press/EO-GA-18_expanded_reopening_of_services_COVID-19.pdf

3. ESSENTIAL SERVICES.

In accordance with GA-16, essential services shall continue at full capacity in the state of Texas. The list of essential services may be found on the Texas Department of Homeland Security's Guidance on the Essential Critical Infrastructure Workforce, as well as the website for the Texas Department of Emergency Management:

https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf

<https://tdem.texas.gov/essentialservices/>

4. REOPENED SERVICES.

In addition to essential services, all specified “reopened services” set out in GA-18 on pages 3-4 may operate at 25% capacity beginning at 12:01 a.m. on May 1, 2020. These businesses shall operate under the appropriate Minimum Standard Health Protocols as set out in the Governor’s Report to Open Texas, found on pages 20-43 of the report, which can be found at <https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

Twenty-five percent (25%) capacity shall be calculated in accordance with the standards promulgated by the National Fire Protection Association of 15 square feet per person based on the gross available floor space.

5. SOCIAL DISTANCING.

In GA-18, Governor Abbott states:

“[e]very person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.”

In accordance with GA-18, 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.

6. VIOLATIONS AND PENALTIES.

- A. 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.
- 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

7. 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 ORDER IS HEREBY APPROVED, ORDERED, AND ADOPTED this the 30th day of April, 2020, by a vote of 5 ayes and 0 nays.

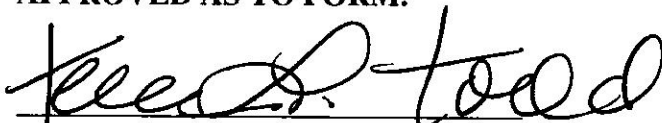

Kerith Sproul Hurley, County Judge

ATTEST:


Jennifer Wright, County and District Clerk

By: _____

APPROVED AS TO FORM:


Teresa L. Todd, County Attorney