

ORDER NO. 200513-01

AN ORDER OF THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE GAINES COUNTY, TEXAS DISASTER DECLARATION NO. 8 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 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. 8** regarding the existing COVID-19 epidemic and public health emergency, in the form and scope described in the attached **Exhibit A ("Disaster Declaration No. 8")**, 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. 8** 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. 8** 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. 8** 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. 8** 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 this order and **Disaster Declaration No. 8** have been timely accomplished.
- (6) This order shall take effect immediately from and after its passage.

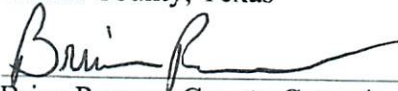
- (7) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on the 13th day of May, 2020.

THE COMMISSIONERS COURT OF
GAINES COUNTY, TEXAS



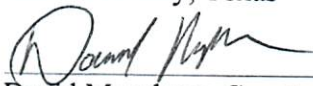
Tom Keyes, County Judge
Gaines County, Texas



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 or

_____, Deputy County Clerk
Gaines County, Texas

EXHIBIT A
(Gaines County, Texas COVID-19 Disaster Declaration No. 8)

GAINES COUNTY TEXAS
DECLARATION OF LOCAL DISASTER DUE TO
PUBLIC HEALTH EMERGENCY REGARDING COVID-19 EPIDEMIC,
ORDER NO. 8

(Effective at 12:01 a.m. Local Time on May 14, 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, on May 5, 2020, the Governor of Texas, pursuant to Chapter 418 and other authority, issued Executive Order No. GA-21 (“EO-GA-21”) regarding the COVID-19 epidemic and public health emergency, a copy of which is attached as **Exhibit 1** and incorporated by reference, said order being effective on a statewide basis beginning May 5, 2020 and continuing through May 19, 2020, and relating in part to the expanded reopening of services as part of the safe, strategic plan to open Texas in response to 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, said order being effective on a statewide basis beginning May 7, 2020, and which modified the Governor's prior COVID-19 executive orders to eliminate confinement as a punishment for violating a COVID-19 executive order; 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 EO-GA-21, 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 EO-GA-21, a copy of which is attached as **Exhibit 1**, as well as other conduct restrictions and prohibitions not inconsistent with EO-GA-21 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 EO-GA-21, 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. This **COVID-19 Disaster Declaration No. 8** shall take effect at 12:01 a.m. local time on May 14, 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 Declaration shall not be continued or renewed for more than seven (7) days from its effective date, subject to being extended, revised, or terminated as allowed by law.

Disaster Declaration, Activation of County Emergency Management Plan and Action Plan, 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 EO-GA-21, 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 with and not inconsistent with EO-GA-21, and deemed necessary or advisable to protect public health and suppress the transmission of COVID-19 including 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 matters stated in this Declaration and their lawful enforcement.

SECTION 8.

- (a) Pursuant to and consistent with EO-GA-21 (see attached **Exhibit 1**) and the applicable authority granted to the County by Chapter 418, it is ordered that the unauthorized conduct and activity prohibited by EO-GA-21, and the authorized conduct and activity described for reopening in EO-GA-21, are hereby approved, adopted, and enacted

for Gaines County, Texas in order to protect public health, prevent or decrease the transmission of COVID-19, and assist the expanded 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 EO-GA-21 (see attached **Exhibit 1**), it is ordered that the minimum recommended health protocols and guidance documents issued by the Texas Department of State Health Services ("DSHS") for the following individuals, businesses, entities, and places are hereby approved, adopted, and enacted as guidance for Gaines County, Texas in the form, scope, and effective/ revised starting dates described on the DSHS website at www.dshs.texas.gov/coronavirus:

- Revised/Effective May 5, 2020: Minimum Standard Health Protocols for COVID-19
- Revised/Effective May 5, 2020:
 - Protocols for Individuals
 - Protocols for all Employers
 - Protocols for Retailers
 - Protocols for Retail Customers
 - Protocols for Restaurants
 - Protocols for Restaurant Customers
 - Protocols for Movie Theaters
 - Protocols for Movie Theater Customers
 - Protocols for Museums and Libraries
 - Protocols for Museum and Library Visitors
 - Protocols for Outdoor Sport Participants
 - Protocols for Churches and Places of Worship
 - Protocols for Single Person Offices
 - Special Guidance for Texans Over 65
- Effective May 5, 2020:
 - Protocols for Churches and Places of Worship Attendees
 - Protocols for Wedding Reception Venues
 - Protocols for Wedding Reception Attendees
 - Protocols for Wedding Venues
 - Protocols for Wedding Attendees
- Effective May 8, 2020:
 - Protocols for Nail Salons and Shops

- Protocols for Nail Salon Customers
 - Protocols for Parks, Beaches, and Bodies of Water (including swimming pools)
 - Protocols for Tanning Salons
 - Protocols for Tanning Salon Customers
 - Protocols for Barber Shops
 - Protocols for Barber Shop Customers
 - Protocols for Cosmetology Salons and Hair Salons
 - Protocols for Cosmetology Salons and Hair Salon Customers
- Effective May 18, 2020:
 - Protocols for Manufacturers
 - Protocols for All Office-Based Employees
 - Protocols for All Office-Based Employers
 - Protocols for Gyms and Exercise Facilities
 - Protocols for Gym and Exercise Facility Patrons
- (c) Pursuant to the provisions of EO-GA-21 (see attached **Exhibit 1**), Gaines County filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19; therefore, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, museums and libraries, indoor wedding venues, wedding reception services, swimming pools, services provided by office workers in offices of more than five individuals, manufacturing services, and gyms and exercise facilities and classes, as otherwise defined and limited in EO-GA-21, and if located in Gaines County, Texas, may operate at up to 50 percent (as opposed to 25 percent, as described in **Exhibit 1**).

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 limited or reduced public access to certain County services, offices, and staff due to the COVID-19 emergency, using public health guidelines authority, and references described in EO-GA-21,

this Declaration, and the 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 will be closed for unlimited public access, and the scheduling for the provision of essential services by appointment will 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 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 by EO-GA-21, 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 EO-GA-21, 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) 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; and (d) submission to all 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; 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, as herein described, 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 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.

Execution

EXECUTED at 10:00 o'clock a.m. local time on the 13th day of May, 2020.

EFFECTIVE at 12:01 o'clock a.m. local time on the 14th day of May, 2020.

Tom N. Keyes

Tom Keyes, County Judge
Gaines County, Texas.

ATTEST:

Terri Berry, County Clerk
Gaines County, Texas

or

Printed Name: _____
Deputy County Clerk
Gaines County, Texas

EXHIBIT 1
(EO-GA-21, Dated May 5, 2020)

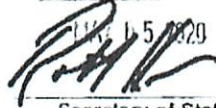


GOVERNOR GREG ABBOTT

May 5, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:10 PM NO CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701


Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-21 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
May 5, 2020

EXECUTIVE ORDER
GA 21

Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans, aimed at slowing the spread of COVID-19 and protecting public health and safety; and

WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which had saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers

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affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to generally continue through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, but also to offer a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, I subsequently issued Executive Order GA-18 on April 27, 2020, to expand the services that are reopened in Texas, including allowing in-store retail and dine-in restaurant services at establishments operating within specific capacity limits; and

WHEREAS, as normal business operations resume, everyone must act safely, and to that end Executive Order GA-18 and this executive order provide that all persons should follow the health protocols recommended by DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.017(a), the "governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

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 immediately, and continuing through May 19, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every 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.

"Essential services" shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

"Reopened services" shall consist of the following to the extent they are not already "essential services:"

1. Retail services that may be provided through pick-up, delivery by mail, or delivery to the customer's doorstep.
2. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
3. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that
 - a. this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages;
 - b. the occupancy limits do not apply to customers seated in outdoor areas of the restaurant; and
 - c. valet services are prohibited except for vehicles with placards or plates for disabled parking.
4. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
5. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.
6. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that
 - a. local public museums and local public libraries may so operate only if permitted by the local government, and
 - b. any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.

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SECRETARY OF STATE
6:10 PM O'CLOCK

MAY 05 2020

7. Services provided by an individual working alone in an office, effective until 12:01 a.m. on Monday, May 18, 2020, when this single-person office provision is superseded by the expanded office-based services provision set forth below.
8. Golf course operations.
9. Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
10. Wedding venues and the services required to conduct weddings; provided, however, that for weddings held indoors other than at a church, congregation, or house of worship, the facility may operate at up to 25 percent of the total listed occupancy of the facility.
11. Wedding reception services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility; provided, however, that the occupancy limits do not apply to the outdoor areas of a wedding reception or to outdoor wedding receptions.
12. Starting at 12:01 a.m. on Friday, May 8, 2020:
 - a. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; provided, however, that all such salons, shops, and establishments must ensure at least six feet of social distancing between operating work stations.
 - b. Tanning salons; provided, however, that all such salons must ensure at least six feet of social distancing between operating work stations.
 - c. Swimming pools; provided, however, that (i) indoor swimming pools may operate at up to 25 percent of the total listed occupancy of the pool facility; (ii) outdoor swimming pools may operate at up to 25 percent of normal operating limits as determined by the pool operator; and (iii) local public swimming pools may so operate only if permitted by the local government.
13. Starting at 12:01 a.m. on Monday, May 18, 2020:
 - a. Services provided by office workers in offices that operate at up to the greater of (i) five individuals, or (ii) 25 percent of the total office workforce; provided, however, that the individuals maintain appropriate social distancing.
 - b. Manufacturing services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility.
 - c. Gyms and exercise facilities and classes that operate at up to 25 percent of the total listed occupancy of the gym or exercise facility; provided, however, that locker rooms and shower facilities must remain closed, but restrooms may open.
14. For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, museums and libraries, indoor wedding venues, wedding reception services, swimming pools, services provided by office workers in offices of more than five individuals, manufacturing services, and gyms and exercise facilities and classes, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent).
15. Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. The total listed occupancy limits described above refer to the maximum occupant load set by local or state law, but for purposes of this executive

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order, staff members are not included in determining operating levels except for non-essential manufacturing service providers and services provided by office workers. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, all persons (including individuals, businesses and other organizations, and any other legal entity) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus. All persons should also follow, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer wishing to obtain services to follow additional hygiene measures.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

People shall avoid visiting bars, massage establishments, tattoo studios, piercing studios, sexually oriented businesses, or interactive amusement venues such as bowling alleys, video arcades, amusement parks, water parks, or splash pads, unless these enumerated establishments or venues are specifically added as a reopened service by proclamation or future executive order of the governor. Notwithstanding anything herein to the contrary, the governor may by proclamation add to this list of establishments or venues that people shall avoid visiting. To the extent any of the establishments or venues that people shall avoid visiting also offer reopened services permitted above, such as restaurant services, these establishments or venues can offer only the reopened services and may not offer any other services. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station; providing or obtaining other essential or reopened services; visiting swimming pools, parks, beaches, rivers, or lakes; hunting or fishing; or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

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In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year, except that a student (accompanied by an adult if needed) may, as allowed by the school consistent with the minimum standard health protocols found in guidance issued by the Texas Education Agency (TEA), visit his or her school campus (a) for limited non-instructional administrative tasks such as cleaning out lockers, collecting personal belongings, and returning school items like band instruments and books; or (b) for graduating seniors, to complete post-secondary requirements that cannot be accomplished absent access to the school facility and its resources, excluding any activity or assessment which can be done virtually. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the minimum standard health protocols found in guidance issued by the TEA. Private schools and institutions of higher education should establish similar standards to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by the TEA. Nothing in this executive order, the DSHS minimum standards, or the joint guidance issued and updated by the attorney general and governor precludes churches, congregations, and houses of worship from using school campuses for their religious services or other allowed services.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-18, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, or GA-20. This executive order shall remain in effect and in full force until 11:59 p.m. on May 19, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 5th
day of May, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

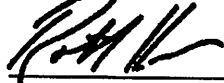
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Governor Greg Abbott
May 5, 2020

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ATTESTED BY:



RUTH R. HUGHS
Secretary of State

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