

**GAINES COUNTY TEXAS**  
**DECLARATION OF LOCAL DISASTER DUE TO**  
**PUBLIC HEALTH EMERGENCY REGARDING COVID-19 EPIDEMIC,**  
**ORDER NO. 9**

**(Effective at 12:01 a.m. Local Time on May 21, 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 18, 2020, the Governor of Texas, pursuant to Chapter 418 and other authority, issued Executive Order No. GA-23 ("EO-GA-23") 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 18, 2020 and continuing through June 3, 2020, and relating to the expanded reopening of 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, 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-23, 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-23, a copy of which is attached as **Exhibit 1**, as well as other conduct restrictions and prohibitions not inconsistent with EO-GA-23 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-23, 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. 9** shall take effect at 12:01 a.m. local time on May 21, 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-23, 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-23, 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-23 (see attached Exhibit 1) and the applicable authority granted to the County by Chapter 418, it is ordered that the activity prohibited by EO-GA-23, and the authorized activity described for reopening in EO-GA-23, are hereby approved, adopted, and enacted for Gaines County, Texas 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-23 (see attached Exhibit 1), 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 by form, scope, and effective/revised starting dates in EO-GA-23 and the DSHS website at [www.dshs.texas.gov/coronavirus](http://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 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-23, this Declaration, and the action plan. The County Action Plan is posted on the County's website at [www.gaines.co.tx.us](http://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-23, 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-23, 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.gaincs.co.tx.us](http://www.gaincs.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](mailto: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**

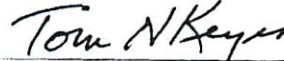
**SECTION 17.** The following enforcement provisions are approved and adopted:

- (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**

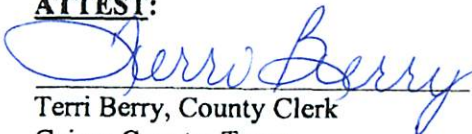
**EXECUTED** at 10:00 o'clock A.m. local time on the 20<sup>th</sup> day of May, 2020.

**EFFECTIVE** at 12:01 o'clock a.m. local time on the 21<sup>st</sup> day of May, 2020.



\_\_\_\_\_  
Tom Keyes, County Judge  
Gaines County, Texas.

**ATTEST:**

  
\_\_\_\_\_  
Terri Berry, County Clerk  
Gaines County, Texas

or

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Deputy County Clerk  
Gaines County, Texas