

ORDER NO. 21 01 20 - 01

AN ORDER OF THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE GAINES COUNTY, TEXAS DISASTER DECLARATION NO. 21 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 and proclamations 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. 21** regarding the existing COVID-19 epidemic and public

health emergency, in the form and scope described in the attached **Exhibit A (“Disaster Declaration No. 21”)**, 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. 21** 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. 21** 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. 21** 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. 21** in the public interest.
 - (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) The Commissioners Court finds, declares, and orders the following pursuant to Executive Order No. 29 (“**EO-GA-29**” issued July 2, 2020 by the Governor of Texas), and Executive Order No. 30 (“**EO-GA-30**”

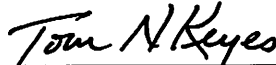
issued September 17, 2020 by the Governor of Texas), the contents of which are incorporated by reference, relating to the expanded reopening of Texas and the use of mask coverings in certain counties during the continuing COVID-19 disaster:

- (a) **EO-GA-29** indicates a county may obtain an exemption from some of the mask covering requirements stated in **EO-GA-29**, if, among other things: (i) no more than 20 active COVID-19 cases exist in the county; (ii) an exemption application attesting to that fact is made by the county judge to the Texas Department of Emergency Management (“TDEM”) pursuant to the requirements of **EO-GA-29**; and (iii) TDEM has reviewed the application and grants the exemption to the county.
- (b) At this time 25 active COVID-19 cases currently exist in Gaines County, Texas, but Trauma Area B, of which Gaines County is a member is in excess of 15% capacity of hospital beds are taken up with COVID-19 patients, therefore: (i) no exemption has been granted by TDEM to the County; and (ii) the mask requirements of **EO-GA-29** currently apply to Gaines County, Texas, subject to the specific exceptions therein stated.
- (c) Should the County obtain an exemption from TDEM to the mask covering requirements of **EO-GA-29**, the Commissioners Court and TDEM promptly shall notify the public through postings on the: (i) County internet website at www.gaines.co.tx.us; and (ii) TDEM website at www.tdem.texas.gov/ga29.
- (d) Questions regarding the mask covering requirements of **EO-GA-29** should be directed to the following public office: Hon. Tom Keyes, County Judge, Gaines County, Texas, Gaines County Courthouse, 101 South Main Street, Room 201, Seminole, Texas 79360 (office address) or P.O. Box 847, Seminole, Texas 79360 (mailing address); telephone (432) 758-5411; facsimile (432) 758-4031; e-mail tom.keyes@co.gaines.tx.us.
- (6) All notice and conditions precedent for the lawful enactment, approval, and adoption of this order and **Disaster Declaration No. 21** have been timely accomplished.
- (7) This order shall take effect immediately from and after its passage.

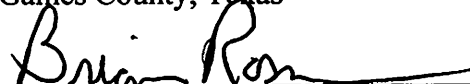
- (8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, APPROVED, AND ADOPTED on the 20th day of January, 2021.

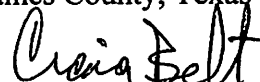
**THE COMMISSIONERS COURT OF
GAINES COUNTY, TEXAS**



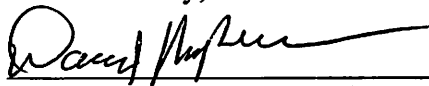
Tom Keyes, County Judge
Gaines County, Texas



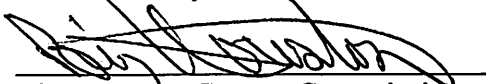
Brian Rosson, County Commissioner, Precinct 1
Gaines County, Texas



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
Gaines County, Texas

or

_____, Deputy County Clerk
Gaines County, Texas

EXHIBIT A
(Gaines County, Texas COVID-19 Disaster Declaration No. 21)