

COMMISSIONERS'

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STATE OF TEXAS

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COUNTY OF TAYLOR

RESOLUTION

**RESOLUTION OF THE COMMISSIONERS COURT OF TAYLOR COUNTY, TEXAS
MODIFYING ITS DECLARATION OF DISASTER ISSUED ON MARCH 26, 2020.**

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued his Executive Order GA-08, effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension; and

WHEREAS, on March 26, 2020, the County Judge of Taylor County Texas, by Resolution, issued a Declaration of Local Disaster; and

WHEREAS, the City of Abilene has requested to be removed from the applicability of this Resolution and Declaration, and has issued its own Declaration of Disaster order on March 30, 2020, to be effective on March 31, 2020 at 12:00 noon; and

WHEREAS, because of the risk of the rapid spread of the COVID-19 virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services and commerce to continue, and the desire to slow the spread of COVID-19 to maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within West Texas and the Big Country areas, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; and

WHEREAS, the Commissioners Court of Taylor County, Texas has determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19 in Taylor County, Texas; and

WHEREAS, the Commissioners Court of Taylor County, Texas finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, and provide rules to protect the health of persons in Taylor County, pursuant to the Texas Government Code and Texas Health and Safety Code; and

WHEREAS, the Commissioner Court of Taylor County finds that the Declaration of Disaster issued on March 26, 2020 should be extended for thirty (30) days.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DECLARED BY THE COMMISSIONERS' COURT OF TAYLOR COUNTY, TEXAS:

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the Commissioners' Court hereby renews and continues the local state of disaster for the Taylor County, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. As requested by the City of Abilene, this Resolution and Declaration does not apply to properties and places located within the city limits of the City of Abilene. **The City of Abilene's Resolution No. 67-2020 issued on March 30, 2020, Modifying Its Extension of Disaster issued on March 23, 2020, applies to persons, places, and activities within the city limits of Abilene.**
4. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
5. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for Taylor County. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
6. The use of all available resources of Taylor County that are reasonably necessary to cope with this disaster are hereby authorized.
7. Pursuant to Section 418.108(g) of the Government Code, Taylor County may control ingress to and egress from a disaster area within Taylor County and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, Taylor County may adopt rules to protect the health of persons in the county, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of Taylor County residents, to protect the financial health and well-being of Taylor County residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of Taylor County residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

10. Persons who are sick and currently experiencing common COVID-19 symptoms have a responsibility to take actions necessary to protect the physical health and well-being of others.

Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ORDERED to stay home until such time that:

- (a) he or she has had no fever for at least 72 hours without the use of medicine that reduces fevers; and
- (b) his or her other symptoms have improved (for example, when the cough or shortness of breath has improved); and
- (c) at least 14 days have passed since the symptoms first appeared.

This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care. Persons are encouraged to call ahead to their medical providers to let them know they are coming.

If any person in a household has tested positive for COVID-19, all persons in the household are hereby ORDERED to stay home. Members of the household may not travel to work, school, or any other community function until released from quarantine by the health authority. This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care. Persons are encouraged to call ahead to their medical providers to let them know they are coming.

11. All persons in Taylor County are hereby ORDERED to stay home, except for travel related to Essential Activities. Essential Activities means any action or effort that is necessary for gainful employment or for the financial welfare of their family. It also means any activity necessary for obtaining medical care, food, shelter or clothing that may be necessary for the safety and well-being of themselves or their family. It also means any action necessary for the preservation of a person's mental or spiritual health, including attending any religious gathering.
12. Persons at higher risk for severe illness have a responsibility to take actions necessary to protect their own personal physical health and well-being and to mitigate their own risk and potential exposure to COVID-19. Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby ORDERED to stay home as long as this order remains in place or until the person determines he or she is no longer at higher risk for severe illness.

This order does not prohibit any person from leaving his or her home to seek necessary medical or emergency care. Persons are encouraged to call ahead to their medical providers to let them know they are coming.

13. To protect the financial health and well-being of Taylor County residents, including those who are the most economically vulnerable and disadvantaged, we have a shared responsibility to take actions necessary to prevent the spread of COVID-19, as well as to protect and promote the ability of all persons to provide for their own financial and material needs, including food, shelter, clothing, and healthcare.

All businesses and employers are hereby ORDERED to take actions necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment.

All persons are hereby ORDERED to take actions necessary to prevent the spread of COVID-19 and to increase social distancing in the normal course of business activities. Social distancing is generally understood to mean staying at least six feet away from other people, avoiding mass gatherings, working from home if possible, canceling or postponing large meetings, and not shaking hands. Where social distancing is not possible in the normal course of business activities, extreme care should be taken to reduce the risk of exposure to, and transmittal of, germs and COVID-19.

Pursuant to Governor Greg Abbott's March 19 Executive Order, every person shall avoid gathering in groups of more than 10 persons. Furthermore, persons shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors. However, the use of drive-thru, pickup, or delivery options for bars, restaurants, and food courts is allowed and highly encouraged throughout the limited duration of his Executive Order.

Except as otherwise specifically provided in the Governor's March 19 Executive Order and this Declaration, all businesses, jobs, and workers are essential to the financial health and well-being of our local economy and therefore are essential to the financial health and well-being of Taylor County residents. Persons who are employed need to stay employed. Persons who lack employment need to gain employment. Businesses that are able to remain open need to remain open, provided that the following businesses, due to the close personal nature of their services, are hereby ORDERED to close for the duration of this order:

- (a) Hair salons, hair stylists, barber shops, nail salons, tattoo parlors, piercing businesses, and all similar personal grooming related businesses that require close personal contact; and
- (b) Food truck gatherings of two or more food trucks; and

- (c) Game rooms, bowling alleys, movie theaters, arcades, miniature golf courses, gyms, fitness centers, or other similar entertainment venues; and
- (d) Sexually Oriented Businesses; and
- (e) Smoking rooms in tobacco stores (it is the intent to limit the closure only to the smoking rooms and not the sale of tobacco products).

The County Judge is authorized to order the closure of additional businesses without further Commissioners Court action if, in his opinion, the business poses an imminent risk to the public's health, safety and welfare.

Employers, employees, and customers have a shared responsibility to promote public health in the normal course of business activities. Businesses are hereby ORDERED to limit the number of customers in their commercial establishments in order to maintain good social distancing requirements as further defined in Section 14 of this order. Retail stores have the following restrictions:

- (f) Retail stores are ORDERED to reduce their maximum building occupancy by 50%;
- (g) Retail stores are ORDERED to further reduce their total building occupancy, as may be required, by the number necessary to maintain good social distancing requirements, as further defined in section 14 of this order, should the 50% building occupancy reduction prove ineffective in maintaining social distancing requirements; and
- (h) Retail stores are ORDERED to control the ingress and egress of their buildings so that they maintain good distancing requirements, as further defined in Section 14 of this order, inside their buildings.

The County Judge is authorized by order to further limit the number of persons allowed in any business without further Commissioner Court action if, in his opinion, the business has failed to exercise the necessary responsibility to limit their customer's ingress or egress on their own.

The County Judge is authorized without further Commissioner Court action to enforce these provisions to the fullest extent allowed by law, including, but not limited to, using the Taylor County Sheriff's Office, Constables or other County Departments to control the number of persons entering a building as is necessary to maintain adequate social distancing inside the building.

14. For purposes of this Declaration and Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
15. When people need to leave their places of residence, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 14.
16. That the County Judge may suspend or modify any other order or regulation of Taylor County for a period of not more than seven days from the date of this resolution unless continued or renewed by the Commissioners Court.
17. That Commissioner Court meetings may be held in accordance with the Governor’s Order dated March 16, 2020 suspending certain requirements of the Texas Open Meetings Act considering the ongoing COVID-19 emergency.
18. That all other committee, commission or board meetings of Taylor County are suspended except as required to consider applications subject to state law-imposed deadlines, or as may be deemed reasonable and necessary for the public good as determined by the County Judge.
19. That the County Judge is authorized, without further approval of the Commissioners Court, to:
 - (a) Make application for local, state and federal assistance as necessary and/or applicable;
 - (b) Accept on behalf of the Taylor County services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
 - (c) Enter into Interlocal cooperation agreements or memorandums of understanding with other cities, counties, or jurisdictions to provide for law enforcement assistance or other shared services to assist in this Resolution or the COVID-19 pandemic; and
 - (d) Defer any fines or fees imposed by the County.


After cessation of this emergency and state of disaster, the County Judge shall provide the Commissioners Court a list of all actions taken under this paragraph.
20. That although not required by law and out of an abundance of caution, the County Judge is authorized (and any prior acts in response to the COVID-19 pandemic are ratified):

- (a) Close, including closure to the public, of any County offices, facilities, or properties, and any parks, playgrounds, or playground equipment located in the areas covered by this Resolution; and
 - (b) Provide county services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any county services that are not required by state or federal law.
- 21. That any rules or regulations of Taylor County, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent Resolution of this Court, whichever occurs first.
- 22. That pursuant to Section 418.020(d) of the Texas Government Code, Taylor County is authorized to:
 - (a) Temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and
 - (b) Enter into arrangements necessary to prepare or equip the site to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.
- 23. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
- 24. That a violation of this Order shall be an offense and shall be punishable by a fine not to exceed \$1,000 or confinement in jail up to 180 days. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.
- 25. That any violation of this Resolution, Declaration and Order can be enjoined by Taylor County by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution.
- 26. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.
- 27. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.

28. That this Declaration and Order is effective at 11:59 pm, Tuesday, March 31, 2020 and is effective until April 30, 2020, unless otherwise terminated or extended.

29. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this 31 day of MARCH, 2020.


Downing A. Bolls, Jr., Taylor County Judge

ATTEST:


Larry G. Bevill, Taylor County Clerk

