

COMMISSIONERS'

§

STATE OF TEXAS

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COURT

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COUNTY OF TAYLOR

## RESOLUTION

**RESOLUTION OF THE COMMISSIONERS' COURT OF TAYLOR COUNTY, TEXAS, FURTHER MODIFYING ITS DECLARATION OF DISASTER (COVID-19) ISSUED ON AUGUST 31, 2021.**

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

**WHEREAS**, on March 31, 2020, the Commissioners' Court of Taylor County issued its Resolution of Commissioners' Court of Taylor County, Texas Modifying its Declaration of Disaster Issued on March 26, 2020; and

**WHEREAS**, on April 27, 2020, the Governor of the State of Texas issued his Executive Order GA-18, effective until 11:59 p.m. on May 15, 2020, which expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**WHEREAS**, on April 28, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster for a period of thirty (30) days; and

**WHEREAS**, on May 1, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order, GA-18, for a period of thirty (30) days; and

**WHEREAS**, on May 18, 2020, the Governor of the State of Texas issued his Executive Order GA-23, effective until 11:59 p.m. on June 3, 2020, relating to expanded opening of Texas in response to the COVID-19 disaster; and

**WHEREAS**, on May 26, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-23, for a period of thirty (30) days; and

**WHEREAS**, on June 3, 2020, the Governor of the State of Texas issued his Executive Order GA-26, effective until modified, amended, rescinded, or superseded by the Governor, relating to expanded opening of Texas in response to the COVID-19 disaster; and

**WHEREAS**, on June 23, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-26, for a period of thirty (30) days; and

**WHEREAS**, on June 26, 2020, the Governor of the State of Texas issued his Executive Order GA-28, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

**WHEREAS**, on July 2, 2020, the Governor of the State of Texas issued a Proclamation which amended his Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the coronavirus; and

**WHEREAS**, on July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, relating to the use of face coverings during the COVID-19 disaster, with said Order being effective until modified, amended, rescinded, or superseded by the Governor, relating to expanded opening of Texas in response to the COVID-19 disaster; and

**WHEREAS**, on July 21, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and GA-29 for a period of thirty (30) days; and

**WHEREAS**, on August 18, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and GA-29 for a period of thirty (30) days; and

**WHEREAS**, on September 7, 2020, the Governor of the State of Texas issued a Proclamation renewing his March 13, 2020 disaster proclamation stating that COVID-19 poses an imminent threat of disaster for all counties in Texas; and

**WHEREAS**, on September 15, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and GA-29 for a period of thirty (30) days; and

**WHEREAS**, on September 17, 2020, the Governor of the State of Texas issued his Executive Order GA-30, effective until modified, amended, rescinded, or superseded by the Governor, relating to the continued response to the COVID-19 disaster as Texas reopens; and

**WHEREAS**, on October 7, 2020, the Governor of the State of Texas issued his Executive Order GA-32, effective at 12:01 a.m. on October 14, 2020, and effective until it is modified, amended, rescinded, or superseded by the Governor, relating to the continued response to the COVID-19 disaster as Texas reopens, and which supersedes Executive Order GA-30; and

**WHEREAS**, on October 13, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, on November 10, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and

restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, on December 8, 2020, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, on January 5, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, on February 2, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, on March 2, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Orders GA-29 and GA-32 for a period of thirty (30) days; and

**WHEREAS**, later on March 2, 2021, the Governor of the State of Texas issued his Executive Order GA-34, effective at 12:01 a.m. on March 10, 2021, and effective until it is modified, amended, rescinded, or superseded by the Governor, relating to the opening of Texas in response to the COVID-19 disaster, and which supersedes Executive Orders GA-17, GA-25, GA-29, GA-31, and GA-32; and

**WHEREAS**, on March 4, 2021, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and

**WHEREAS**, on March 16, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-34 for a period of thirty (30) days; and

**WHEREAS**, on April 13, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Order GA-34 for a period of thirty (30) days; and

**WHEREAS**, on May 11, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which continued the adoption of the regulations and restrictions issued in the Governor's Executive Order GA-34 for a period of thirty (30) days; and

**WHEREAS**, on May 18, 2021, the Governor of the State of Texas issued his Executive Order GA-36, relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster, and which supersedes subparagraph numbers 1(b) and 2(c)(iii) of Executive Order GA-34, but does not otherwise supersede Executive Orders GA-10, GA-13, GA-34, or GA-35; and

**WHEREAS**, on June 8, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-36 for a period of thirty (30) days; and

**WHEREAS**, on July 6, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster (COVID-19), which continued the adoption of the regulations and restrictions issued in the Governor's Executive Order GA-36 for a period of thirty (30) days; and

**WHEREAS**, on July 29, 2021, the Governor of the State of Texas issued his Executive Order GA-38, relating to the continued response to the COVID-19 disaster, with said Order being effective until modified, amended, rescinded, or superseded by the Governor, and which supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except it does not supersede or rescind Executive Orders GA-13, relating to detention in county and municipal jails during the COVID-19 disaster, or GA-37, relating to the transportation of migrants during the COVID-19 disaster; and

**WHEREAS**, on August 3, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor's Executive Order GA-38 for a period of thirty (30) days; and

**WHEREAS**, on August 25, 2021, the Governor of the State of Texas issued his Executive Order GA-39, relating to prohibiting vaccine mandates and vaccine passports subject to legislative action, with said Order being effective until modified, amended, rescinded, or superseded by the Governor, and which supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38; and

**WHEREAS**, on August 29, 2021, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to the COVID-19 continuing state of disaster; and

**WHEREAS**, on August 31, 2021, the Commissioners' Court of Taylor County issued its Continuation of Declaration Disaster (COVID-19), which adopted the regulations and restrictions issued in the Governor's Executive Orders GA-38 and GA-39 for a period of thirty (30) days; and

**WHEREAS**, the City of Abilene has requested to be removed from the applicability of this Resolution and Declaration, and, on September 9, 2021, issued its own Resolution No. 151-2021, further Modifying its Extension of Declaration of Disaster (COVID-19) Issued on August 12, 2021, effective until 11:59 p.m. on October 14, 2021, unless otherwise modified, terminated, or extended; and

**WHEREAS**, because of the continuing risk of the rapid spread of the COVID-19 virus and the need to protect the most vulnerable members of the community, while enabling essential services and commerce to continue to the maximum extent feasible, 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 the continuing occurrence of COVID-19 within the City of Abilene, Taylor County, West Texas and the Big Country areas, and 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 Commissioners' Court of Taylor County finds that the Declaration of Disaster issued on August 31, 2021, 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 are incorporated herein and made findings of fact.
2. That the Commissioners' Court hereby renews and continues the local state of disaster for 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. 151-2021 issued on September 9, 2021, further Modifying Its Extension of Declaration of Disaster (COVID-19) Issued on August 12, 2021, and any further modifications issued by the City, apply 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. 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 rapid 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.

**Personal responsibility is of paramount importance in attempting to prevent the spread of COVID-19.** All persons should follow the Centers for Disease Control and Prevention (CDC) recommended guidelines to protect themselves from exposure to COVID-19 and to protect the public from further community spread.

9. Taylor County hereby adopts and incorporates herein Governor Greg Abbott's Executive Orders GA-38 and GA-39, the same as if said Orders were copied and set forth at length herein. Taylor County will follow and enforce the conditions and restrictions as set forth in GA-38 and GA-39, and Taylor County adopts and incorporates any further Proclamations modifying, amending, or superseding GA-38 and GA-39 and any future Executive Orders as may be issued by the Governor during the term of Taylor County's declaration of local disaster.

The County Judge is authorized without further Commissioners' Court action to enforce these provisions to the fullest extent allowed by law.

10. In the event the Governor of the State of Texas amends or modifies his Executive Orders GA-38 or GA-39, this Declaration and Order is automatically amended without further Commissioners' Court action to reflect said amendments or modifications to the Governor's Executive Orders. The express intent of the Commissioners' Court and this Declaration and Order is to follow the Governor's Executive Orders.

11. 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.
12. That Commissioners' Court meetings shall be scheduled or rescheduled as posted and may be continued in accordance with alternate measures as permitted by law.
13. 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.
14. 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 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 enforcing this Resolution or responding to 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.

15. That although not required by law and out of an abundance of caution, the County Judge is authorized to take the following actions (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 cease any county services that are not required by state or federal law.
16. 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.

17. 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.
18. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
19. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000, except as otherwise provided in the Governor's Executive Orders GA-38.
20. 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.
21. 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.
22. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.
23. That this Declaration and Order is effective immediately and continues in effect until 11:59 p.m. on October 28, 2021, unless otherwise modified, terminated, or extended.
24. 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 28<sup>th</sup> day of September, 2021.



*Downing A. Bolls, Jr.*

Downing A. Bolls, Jr., Taylor County Judge

ATTEST:

*Larry G. Beville*

Hon. Larry G. Beville, Taylor County Clerk

