

FILED
AT 3:28 O'CLOCK P M
APR - 6 2020
JENNIFER WRIGHT
CLERK OF COUNTY COURT
JEFF DAVIS COUNTY TEXAS
BY *Jennifer Wright* DEPUTY

STATE OF TEXAS §
COUNTY OF JEFF DAVIS §

**SECOND AMENDED ORDER #2020-02 OF THE
JEFF DAVIS COUNTY COMMISSIONERS COURT
PART 1: CONTINUATION OF DISASTER DECLARATIONS**

**Order Continuing Disaster Declarations and Instituting and Continuing Certain
Emergency Measures Due to a Public Health Emergency in Jeff Davis County**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to the pandemic spread of COVID-19; and

WHEREAS, by declaration issued on March 19, 2020, County Judge Kerith Sproul Hurley declared a local state of disaster for Jeff Davis County resulting from a public health emergency; and on March 23, 2020, Judge Sproul Hurley executed the First Amendment to that Declaration; and

WHEREAS, Texas Government Code §418.108(b) states that the Judge's Declaration will expire unless it is continued by the Jeff Davis County Commissioners Court not more than seven (7) days from the date of issuance; and

WHEREAS, as of March 26, 2020, the CDC confirmed 82,174 cases and 1,177 deaths from COVID-19 in the United States; and

WHEREAS, on the date of passage of this order, there are no confirmed cases of COVID-19 within Jeff Davis County; and

WHEREAS, Jeff Davis County is an international tourist destination with very limited medical facilities (1 local clinic); and

WHEREAS, emergency measures are therefore necessary to protect the health and welfare of Jeff Davis County residents from the introduction and spread of COVID-19, especially for our elderly and at-risk populations; and

WHEREAS, Pursuant to Texas Health and Safety Code §121.003(a), the commissioners court of a county may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Jeff Davis County Commissioners Court enacted a Shelter in Place Order, which is incorporated into this document as Part 2; and

WHEREAS, Part 2 of this Order supersedes the Non-Essential Travel Recommendations formerly in Section 9 (now Section 11) of this order, which

have been updated herein; and

WHEREAS, on April 3, 2020, Judge Sproul Hurley issued her First Supplemental Emergency Disaster Declaration enacting three additional preventative measures to prevent the introduction and spread of COVID-19 in Jeff Davis County: (1) Closure of all accommodations (including camping and RV sites) at Davis Mountains State Park; (2) prohibiting door-to-door sales and solicitations; and (3) regulating long-term rentals; and

WHEREAS, the Jeff Davis County Commissioners Court voted unanimously on April 6, 2020 to extend Judge Sproul Hurley's Disaster Declaration and First Supplemental Disaster Declaration, and to incorporate the additional preventative measures into Part 1 of Order #2020-02; and

WHEREAS, all emergency measures, including the three new measures set out in Sections 6.B., 7, and 8 herein, are hereby continued by the Jeff Davis County Commissioners Court and remain in effect through 11:59 p.m. on April 24, 2020:

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF JEFF DAVIS COUNTY, TEXAS:

That the following measures continue to be in effect:

1. CONTINUATION OF DISASTER DECLARATION.

County Judge Sproul Hurley's declaration of local state of disaster due to public health emergency dated March 19, 2020 and First Supplemental Emergency Disaster Declaration dated April 3, 2020 are hereby extended, continued, and renewed for Jeff Davis County pursuant to Texas Government Code §418.108(b). This Order shall remain in effect until 11:59 p.m. on April 24, 2020.

2. STATE AND FEDERAL GUIDANCE.

The County authorizes the Emergency Management Director (County Judge) or her designee to update, restrict, and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID-19.

3. COUNTY BOARDS AND COMMITTEES.

County board and committee meetings may continue while this order is in effect, but must be held virtually.

4. COUNTY COURTHOUSE AND BUILDINGS.

The Jeff Davis County Courthouse, the Library, and other county buildings shall be closed to the public for the duration of this order.

5. COUNTY PARK.

The county park shall remain open during regular hours, but shall be limited to a total of ten (10) people per area (soccer field, baseball diamond, jogging trail) at one time.

6. HOTELS, MOTELS, AND SHORT-TERM RENTALS.

- A. All hotels, motels, short-term rentals, including RV rentals and campgrounds are ordered to continue to cease operations for the duration of this Order. Any such rental properties may only be utilized for customers that are active military, law enforcement, National Guard, Texas National Guard, park hosts and seasonal employees or volunteers at Davis Mountains State Park, Fort Davis National Historic Site, Chihuahuan Desert Nature Center or Texas Nature Conservancy Davis Mountains Preserve, permanent or current residents residing over 30 days in hotels, motels, or RV parks, emergency services personnel or healthcare professionals assisting Jeff Davis County or Federal or State Government or the Fort Davis or Valentine Independent School Districts, individuals under quarantine, or any other individuals specifically sent to assist with limiting the spread of COVID-19. Waivers may be requested for essential reasons and good cause, not convenience, by contacting the County Judge or County Sheriff.
- B. Effective immediately, the Davis Mountains State Park shall cease overnight accommodations for guests, including the Indian Lodge, all campgrounds, and any RV accommodations. Park hosts that are on property as of April 2, 2020 shall be allowed to stay and consider their current accommodations as their residence.
- C. Individuals providing critical infrastructure services, as defined by the Department of Homeland Security, shall also be allowed to stay in hotels, motels, short-term rental properties, RVs, and campgrounds in Jeff Davis County, but only for the duration of the time they are providing essential services within the county. The list of critical infrastructure services can be found at <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

7. REGULATION OF LONG-TERM RENTALS.

In order to prevent the introduction and spread of COVID-19 within Jeff Davis County, Texas, the County shall immediately begin regulating long-term rental properties within the County limits.

A. For the duration of this Order, long-term rentals (longer than 30 days) may be advertised and rented only to:

1. Any such rental properties may only be utilized for customers that are active military, law enforcement, National Guard, Texas National Guard, park hosts and seasonal employees or volunteers at Davis Mountains State Park, Fort Davis National Historic Site, Chihuahuan Desert Nature Center or Texas Nature Conservancy Davis Mountains Preserve, permanent or current residents residing over 30 days in hotels, motels, or RV parks, emergency services personnel or healthcare professionals assisting Jeff Davis County or Federal or State Government or the Fort Davis or Valentine Independent School Districts, individuals under quarantine, or any other individuals specifically sent to assist with limiting the spread of COVID-19.

2. Individuals providing essential business or critical infrastructure services, as defined by the Texas Department of Emergency Management and the United States Department of Homeland Security, shall also be allowed to stay in hotels, motels, short-term rental properties, RVs, and campgrounds in Jeff Davis County, but only for the duration of the time they are providing essential services within the county. Please see the following links for more information:

<https://tdem.texas.gov/essentialservices/>

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

3. Local residents. For purposes of this section, “local resident” is defined as a permanent resident of the tri-county area (Brewster, Jeff Davis, and Presidio counties) and/or his/her caregiver.

B. Upon request by the County, lessors/landlords must provide a copy of their lease agreement(s), driver’s license(s) of lessees/tenants, and documentation of local resident status or essential personnel/business status under 4. A. above. A failure to provide this documentation upon request is punishable under Section 14 of this Order.

C. Any advertisement for a rental property (long or short term) within the County limits of Jeff Davis County must contain the following language, in all caps and in legible and readable font:

PURSUANT TO JEFF DAVIS COMMISSIONERS COURT SECOND AMENDED ORDER #2020-02 PART 1, DURING THE COVID-19 PANDEMIC THIS PROPERTY MAY ONLY BE RENTED TO: (1) LOCAL RESIDENTS OF PRESIDIO, BREWSTER, AND JEFF DAVIS COUNTY, TEXAS; (2) FIRST RESPONDERS, NATIONAL GUARD, AND OTHERS RESPONDING TO THE COVID-19 PANDEMIC; AND (3) ESSENTIAL BUSINESS PERSONNEL AS SPECIFIED BY THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

- D. A failure to provide this mandatory notice within an advertisement for a long or short-term rental is a violation of this Order punishable under Section 8 below.
- E. Waivers may be requested for essential reasons and good cause, not convenience, by contacting the County Judge or County Sheriff.

8. DOOR-TO-DOOR SALES.

Door-to-door sales and/or solicitations are prohibited.

9. LIMITATION ON SIZE OF GATHERINGS.

This Order hereby limits the size of gatherings to not more than ten (10) people and the cancellation of all such gatherings for more than ten (10) people until further notice. A “gathering” refers generally to a scheduled event or common endeavor where ten (10) persons are present in a confined space, room, or area, and includes outdoor areas.

10. RESTAURANTS AND BARS.

- A. Bars, lounges, and taverns shall remain closed.
- B. Restaurants may remain open pursuant to the following:
 - (1) No in-house or on-premises dining; restaurants may sell food and alcohol through takeout and delivery only;
 - (2) Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once per hour;
 - (3) Restaurants must adopt and implement a screening policy for food handlers and all employees and establish protocols for employees’ exclusion if they have a fever greater than 100 degrees and coughing/shortness of breath; and
 - (4) Restaurants must make available and visible COVID-19 preventative print material within the restaurant.

11. NON-ESSENTIAL TRAVEL

Non-essential travel is prohibited by Part 2 (Shelter in Place Order) of this Order. Please see Part 2 for specific prohibitions and violations.

12. PRICE CONTROLS.

A person or business shall not sell any of the following goods or services for more than the price they charged for the goods or services on March 13, 2020:

- (1) Groceries, beverages, toiletry articles, cleaning supplies, ice;
- (2) Construction and building materials and supplies;
- (3) Charcoal briquettes, matches, candles, lamp illumination, dry batteries, light bulbs, flashlights and hand lanterns;
- (4) Plumbing and electrical tools and supplies;
- (5) Apartment, duplex, multi-family dwellings for rent;
- (6) Gasoline, Diesel, Motor oil and automotive lubricants;
- (7) Restaurant meals;
- (8) Medicine, pharmaceutical and medical equipment and supplies;
- (9) Blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, towels and toilet paper;
- (10) Furniture and clothing; and
- (11) Baby products.

13. AMENDING JEFF DAVIS COUNTY EMERGENCY MANAGEMENT PLAN TO ADD A PENALTY PROVISION.

This Order hereby adds the following penalty language to the Jeff Davis County Emergency Management Plan:

“Failure to Comply with a Disaster Declaration:

Jeff Davis County may enforce a penalty of a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days for failure to comply with a Disaster Declaration or a rule or an Order adopted as part of the Disaster Declaration and is punishable as authorized in Texas Government Code §418.173.”

14. VIOLATIONS AND PENALTIES.

- A. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

B. In accordance with Texas Penal Code §12.05 and Governor Abbott's statewide disaster declaration, the following crimes are enhanced (increased) by one degree if committed during the time of disaster declaration:

- Assault
- Arson
- Robbery
- Burglary
- Burglary of coin-operated machines
- Burglary of vehicles
- Criminal Trespass
- Theft

15. SEVERABILITY.

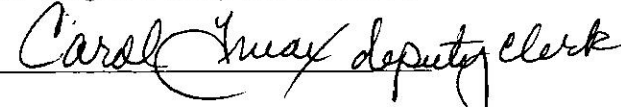
It is hereby declared to be the intention of the Jeff Davis County Commissioners Court that the phrases, sentences, paragraphs, and sections of this order are severable. If any part of this order shall be ruled unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutional phrase, sentence, paragraph, or section shall be severed from the order by operation of the judgment; however, this unconstitutionality shall not affect the remaining phrases, sentences, paragraphs, and sections, which shall remain in full force and effect.

THIS SECOND AMENDED ORDER IS HEREBY APPROVED, ORDERED, AND ADOPTED this the 6th day of April, 2020, by a vote of 5 ayes and 0 nays.



Kerith Sproul Hurley, County Judge

ATTEST:

Jennifer Wright, County and District Clerk

By:  deputy clerk

APPROVED AS TO FORM:


Teresa L. Todd, County Attorney