

CITY OF LIBERTY, TEXAS
EXECUTIVE ORDER
May 7, 2020

EXECUTIVE ORDER OF THE MAYOR OF LIBERTY, TEXAS
EMERGENCY MEASURES

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the COVID-19 virus poses a threat to the health of a large number of Americans, Texans and residents of the City of Liberty; and

WHEREAS, on March 16, 2020, Mayor Carl Pickett of the City of Liberty, Texas signed a Declaration of Disaster for the City of Liberty, Texas related to COVID-19 pursuant to Section 418.108(a) of the Texas Government Code; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, Governor Greg Abbott issued Executive Order GA-08 on Thursday, March 19, 2020 issuing orders for Texas to adhere to certain control measures and mitigation strategies; and

WHEREAS, by ordinance, dated March 23, 2020, the City Council of the City of Liberty voted to continue the Declaration of Disaster related to COVID-19 pursuant to Section 418.108(a) of the Texas Government Code; and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 which clarified the role of his executive orders in relationship to the county and city executive orders and expanded the definition of critical infrastructure and essential services; and

WHEREAS, on April 17, 2020, Governor Abbott issued Executive Order GA-16 to generally continue through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, but also to offer a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order GA-18 which expanded the services that are reopened in Texas, including allowing in-store retail and dine-in restaurant services at establishments operating within specific capacity limits; and

WHEREAS, on May 5, 2020, Governor Abbott issued Executive Order GA-21 which further expanded the services that are reopened in Texas, including wedding venues, cosmetology salons, hair salons, barber shops, nail salons; tanning salons, and swimming pools; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Texas Government Code § 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Texas Government Code § 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Texas Government Code § 418.017(a), the governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Texas Government Code § 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, Texas Government Code § 418.1015 states:

- (a) The presiding officer of the governing body of an incorporated city or a county or the chief administrative officer of a joint board is designated as the emergency management director for the officer’s political subdivision.
- (b) An emergency management director serves as the governor’s designated agent in the administration and supervision of duties under this chapter. An emergency management director may exercise the powers granted to the governor under this chapter on an appropriate local scale.

WHEREAS, by the terms of the Governor’s Executive Order GA-21, the Governor’s Executive Order

“suspend[s] Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order”; and

WHEREAS, the City of Liberty must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders.

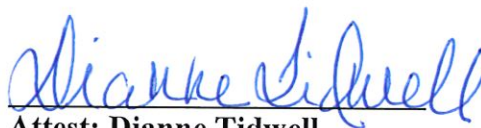
BE IT THEREFORE ORDERED BY THE MAYOR OF THE CITY OF LIBERTY, TEXAS:

1. This Order shall be effective as of 12:01 a.m. on Friday, May 8, 2020, and continue until revoked.
2. As of the effective date of this Executive Order, and continuing until revoked, the City hereby adopts the provisions of any current or future Executive Orders issued by Governor Greg Abbott as a result of the COVID-19 pandemic, related to the movement of persons or the occupancy of premises. The provisions of said Governor's Executive Orders are incorporated herein by reference as if written word for word.
3. For clarity, nothing in this Executive Order is intended to impact the provisions related to the continuation of the local state of disaster issued by the City of Liberty's City Council on March 23, 2020.
3. According to Texas Government Code § 418.173, failure to comply with the City's Emergency Operations plan or with a rule, order, or ordinance adopted under the plan is an offense. Punishment for the offense is a fine up to \$1,000. The penalty provided for in this order is in addition to any other remedies that the City may have under City ordinances or state law.
4. This Order rescinds and/or supersedes any prior executive orders issued by the Mayor of the City of Liberty during the current or extended Declarations of Disaster.
5. The City of Liberty must promptly provide copies of this Order by posting copies for public viewing in the same manner as publicly posted City Council agendas. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
6. If any subsection, sentence, clause, phrase, or word of this of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED THIS 7th DAY OF May 2020, at 4:20 p.m.



Carl Pickett
Mayor, City of Liberty, Texas



Attest: Dianne Tidwell
City Secretary