

ORDER

THE COUNTY JUDGE OF SWISHER COUNTY TEXAS, ISSUING A SHELTER IN PLACE ORDER FOR THE CITIZENS OF SWISHER COUNTY, TEXAS.

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a State of Disaster for all counties in Texas;

WHEREAS, on March 16, 2020, the Centers for Disease Control (“CDC”) lowered the recommended number of persons at mass gatherings to 10 persons;

WHEREAS on March 31, 2020, the Governor of Texas issued Executive Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster;

WHEREAS, on March 20, 2020, the County Judge of Swisher County, Texas declared a Local State of Disaster and Public Health Emergency for the Swisher County,

WHEREAS on March 23, 2020 the Commissioners Court of Swisher County extended the Local State of Disaster which expires on April 22, 2020;

WHEREAS, because of the risk of the rapid spreads of the 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 to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, the Commissioners Court of Swisher County, Texas, has determined this Declaration of Local Disaster and Public Health Emergency (“Declaration”) and Order to Shelter in Place (“Order”) are required;

WHEREAS, this Order is based on evidence of increasing occurrence of COVID-19 within the County and throughout the Texas Panhandle area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19;

NOW, THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE OF SWISHER COUNTY, TEXAS

Effective as of 11:59 p.m. on April 6, 2020, and continuing until 11:59 p.m. on April 30, 2020:

1. All individuals currently living within Swisher County, Texas, are hereby **ORDERED** to shelter at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. All persons may leave their residences only to obtain, provide or perform Essential Services, as herein defined.
2. All businesses operating within the Swisher County, Texas, except Essential Services, shall cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). All Essential Services are encouraged to send non-essential staff home and, to the greatest extent possible, shall comply with the social distancing guidelines set forth by the President and the CDC.
3. For purposes of this Order, "Essential Services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce Version 2.0, plus religious services conducted in churches, congregations, and house of worship. An online list of Essential Services is maintained and updated by the Texas Department of Emergency Management (TDEM) and can be viewed online at www.tdem.texas.gov/essentialservices.
4. All public or private gatherings of any number of people occurring outside of a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. All travel, except to obtain, provide or perform Essential Services, is prohibited.
6. Restaurants operating within the County, with or without drive-in or drive-through services, may only provide take out, delivery or drive-through services as allowed by law.
7. In providing or obtaining Essential Services, all citizens and providers shall at all times reasonably possible comply with the guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness and sanitation, implementing social distancing and working from home if possible. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework.
8. This Order does not prohibit citizens from accessing Essential Services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other Essential Services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.
9. In accordance with the guidelines from the President, the CDC and the Governor of Texas, citizens shall not visit nursing homes, state supported living centers, assisted

living facilities, or long term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

10. The County Judge is hereby authorized, without further approval of the Swisher Commissioner's Court, to:
 - (a) Make application for local, state, and federal assistance as necessary
 - (b) Accept on behalf of the County for services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or government 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) Contract for expenditures for budgeted items and emergency expenditures in an amount not to exceed \$5,000.00. After cessation of this emergency, the County Judge shall provide the Swisher Commissioner's Court a list of all actions taken under this paragraph.
11. Although not required by law and out of an abundance of caution, the County Judge is authorized to (and any prior acts are ratified):
 - (a) Close, including a closure to the public, of any County offices, facilities, or properties, including parks, playgrounds, or playground equipment; 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.
12. Swisher Commissioner's Court meetings shall be rescheduled as posted and may be conducted in accordance with alternate measures as permitted by law.
13. All other committee and board meetings are suspended except as required to consider applications subject to state law-imposed deadlines.
14. Any ordinances, rules, or regulations of the Swisher County, Texas, that conflict with this Order are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent order of the Commissioner's Court, whichever occurs first.
15. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

16. A violation of this order shall be a Class C misdemeanor and the penalty for violating this Order shall be a fine of not more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.
17. Any violation of this Order can be enjoined by a suit filed in the name of the Swisher County in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order, Swisher County, Texas.
18. The terms and provisions of this Order shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this Order shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Order and the remainder of such Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ORDERED by the **County Judge of Swisher County, Texas** on the **6th day of April, 2020.**

SWISHER COUNTY, TEXAS

Harold Keeter

Harold Keeter, Swisher County Judge

ATTEST:

C. J. Chasco

C. J. Chasco, Swisher County Clerk

