

**FIRST SUPPLEMENTAL DECLARATION CONTINUING LOCAL DISASTER
DUE TO PUBLIC HEALTH EMERGENCY
BY THE COUNTY JUDGE OF JEFF DAVIS COUNTY, TEXAS**

FILED
AT 10:30 O'CLOCK A M
MARCH 31 2020
JENNIFER WRIGHT
CLERK OF COUNTY COURT
JEFF DAVIS COUNTY, TEXAS
BY *Carol Stray* DEPUTY

WHEREAS, it is the desire and the duty of Jeff Davis County to take reasonable measures necessary to protect the health, safety, and welfare of our local residents during this time of pandemic; and

WHEREAS, Jeff Davis County Judge Kerith Sproul Hurley issued a Declaration of Local Disaster Due to Public Health Emergency on March 19, 2020; and

WHEREAS, this Declaration was continued and extended by the Jeff Davis County Commissioners Court on March 26, 2020 in Jeff Davis County Commissioners Court Order #2020-02; and

WHEREAS, the Jeff Davis County Commissioners Court enacted Part 2 to the Jeff Davis County Order 2020-02 on March 30, 2020, implementing Shelter in Place; and

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 establishing a statewide Shelter in Place Order and specifying which individuals and businesses perform Essential Functions; and

WHEREAS, these emergency measures have been successful thus far, as there are currently no known active COVID-19 cases within Jeff Davis County or the Tri-county area of Brewster, Jeff Davis, and Presidio; and

WHEREAS, despite these emergency measures, the Davis Mountains State Park continues to operate and honor reservations from guests, in contravention of Order #2020-02, Parts 1 and 2; and

WHEREAS, some short-term and long-term rental owners and operators are still advertising their properties without specifying that rentals are limited only to local tri-county residents, individuals who are actively engaged in Essential Business, and individuals involved in the COVID-19 effort in Jeff Davis County; and

WHEREAS, as a result, individuals are still traveling to Jeff Davis County from places with active cases of COVID-19, as they see Jeff Davis County as a "safe haven" to ride out the COVID-19 pandemic; and

WHEREAS, these individuals will place Jeff Davis County residents, many of whom are elderly or have underlying health issues, at risk of contracting COVID-19; and

WHEREAS, the CDC reports that older people and people of all ages with severe underlying health conditions are at a higher risk of developing serious COVID-19 complications; and

WHEREAS, Dr. Ekta Escovar of the COVID-19 Task Force reports that individuals who develop serious cases of COVID-19 require hospitalization of between 3-6 weeks per

patient and often require ventilators for breathing; and

WHEREAS, the Big Bend Regional Medical Center covers an area with a population of 25,000, but has only 25 beds and 2 ventilators; and

WHEREAS, even a few serious COVID-19 cases in the tri-county area would quickly overwhelm our local medical capabilities and result in loss of life; and

WHEREAS, the County Judge of Jeff Davis County has therefore determined that extraordinary additional measures must be taken to protect the health and welfare of Jeff Davis County residents; and

WHEREAS, pursuant to the Texas Disaster Act of 1975 (Texas Government Code Chapter 418), the County Judge is designated as the emergency management director and Incident Commander of Jeff Davis County, and may exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, Texas Government Code Chapter §418.108 authorizes the presiding officer of the governing body of a political subdivision to declare a local state of disaster; and

WHEREAS, any declaration of local disaster and public health emergency includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, prevent the spread of the disease, and promote the health and welfare of Jeff Davis County residents from the effects of COVID-19; and

WHEREAS, by this First Supplemental Emergency Disaster Declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the County Judge under the Texas Disaster Act of 1975, I hereby authorize the use of all available resources of state government and political subdivisions to assist in the County's response to this situation; and

WHEREAS, I, Kerith Sproul Hurley, the County Judge of Jeff Davis County, have determined that additional immediate measures must be taken to prevent the spread of COVID-19 in Jeff Davis County;

NOW, THEREFORE, BE IT DECLARED BY THE COUNTY JUDGE OF JEFF DAVIS COUNTY, TEXAS:

1. EMERGENCY ORDINANCES REMAIN IN FULL FORCE AND EFFECT.

Jeff Davis County Commissioners Court Order #2020-02 Part 1 (extending County Judge's Declaration of Local Emergency to April 24, 2020) and Part 2 (Shelter in Place) remain in full force and effect through 11:59 on April 24, 2020. This First Supplemental Declaration is issued for the purpose of adding stricter measures to prevent the introduction and spread of COVID-19 within Jeff Davis County. To the

extent that this Declaration is in conflict with Part 1 or Part 2 of Order #2020-02, this Declaration shall control for its 7-day effective period.

2. CESSATION OF ALL ACCOMMODATIONS AT DAVIS MOUNTAINS STATE PARK

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.

3. DOOR TO DOOR SALES.

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

4. REGULATION OF LONG-TERM RENTALS IN JEFF DAVIS COUNTY.

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 8 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 THE FIRST SUPPLEMENTAL EMERGENCY DECLARATION OF JEFF DAVIS COUNTY JUDGE KERITH SPROUL HURLEY DATED APRIL 2, 2020, 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) TO ESSENTIAL PERSONNEL OR 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.

5. DURATION.

Pursuant to Texas Government Code §418.108(b), the preventative measures in this Order shall continue for a period of not more than seven (7) days from the date of this Order, unless continued or renewed by the Jeff Davis County Commissioners Court.

6. CONFLICTS.

In the event of a conflict between this Declaration and either GA-14 or Jeff Davis County Commissioners Court Order #2020-02 Parts 1 and 2, the most restrictive provision in effect at the time shall apply within Jeff Davis County.

7. FILING AND PUBLICATION.

Pursuant to Texas Government Code §418.108 (c), this First Supplemental

Declaration of Local Disaster due to Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

8. VIOLATIONS AND PENALTIES.

FAILURE TO COMPLY WITH THIS DECLARATION CONSTITUTES AN IMMEDIATE THREAT TO PUBLIC HEALTH.

In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order 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.

9. SUSPENSION.

This Declaration authorizes the County to suspend or modify any order, regulation, rule, procedure, process, policy or County covenant.

10. DECLARATION.

Pursuant to the statutory authority cited above, I, County Judge Kerith Sproul Hurley, hereby declare a Continued State of Local Disaster due to Public Health Emergency and implement the foregoing additional measures.

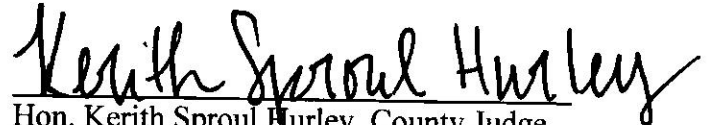
11. SEVERABILITY.

It is hereby declared to be the intention of the County Judge of Jeff Davis County that the phrases, sentences, paragraphs, and sections of this Declaration are severable. If any part of this Declaration 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 Declaration 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.

12. EFFECTIVE DATE.

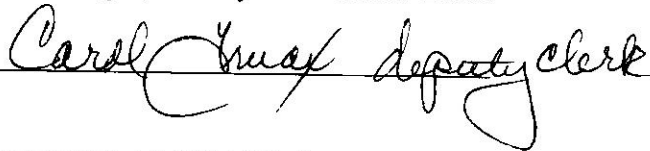
This First Supplemental Declaration of Disaster Due to Public Health Emergency shall take effect at 12:00 noon on April 3, 2020 and shall be in effect until 11:59 p.m. on April 10, 2020.

ORDERED, PROCLAIMED, AND DECLARED on this the 3rd day of April, 2020.

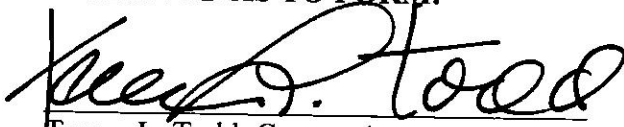

Hon. Kerith Sproul Hurley, County Judge

ATTEST:

Jennifer Wright, County and District Clerk

By:  deputy clerk

APPROVED AS TO FORM:


Teresa L. Todd, County Attorney