



**AN ORDER ISSUED BY THE
COMMISSIONERS COURT OF WICHITA COUNTY**

JUNE 30, 2020

WHEREAS, on June 23, 2020, Governor Abbott issued a proclamation amending Executive Order No. 26 (“GA-26”) expanding local authority on outdoor gatherings; and

WHEREAS, on June 24, 2020, the positivity rate, which is the percentage of coronavirus tests administered that yield a positive result, indicated a seven-day average positivity rate of 11.76% compared to the previously quelled high of 13.86% in mid-April; and

WHEREAS, Governor Abbott noted that if positivity rates again exceeded 10%, he would consider that a “red flag” requiring further preventative action; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order No. 28 (“GA28”) which supersedes GA-26; and

WHEREAS, GA-28 imposes targeted measures to prohibit any outdoor gatherings in excess of 100 people, with very limited exceptions, as part of the State’s efforts to contain the spike in COVID-19 positive cases; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Wichita County community and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators throughout the state is also dramatically rising despite efforts by local authorities to control the spread;

WHEREAS, a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

WHEREAS, the County Judge, in consultation with the Wichita Falls-Wichita County Public Health District , has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, the County Judge, in consultation with the Wichita County Emergency Management Office, rural fire departments and the Wichita Falls-Wichita County Public Health District finds that Fourth of July weekend celebrations in various unincorporated areas in Wichita County are expected to attract hundreds of people that will result in spontaneous gatherings in excess of 100 people; and

WHEREAS, the County Judge, in consultation with the Wichita Falls-Wichita County Public Health District finds that Fourth of July weekend celebrations in various unincorporated areas in Wichita County will likely result in a dramatic increase in COVID-19 positive cases and deaths;

WHEREAS, this order does not conflict with Governor Abbott’s Executive Order GA-28 issued on June 26, 2020; and

WHEREAS, the County Judge, in this Order seeks to provide additional health and safety measures for Wichita County as authorized by Governor Abbott’s Executive Order No. 28;

NOW THEREFORE, I, COUNTY JUDGE FOR WICHITA COUNTY, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. Duration

This Order is effective immediately and shall be in effect until further orders may be issued.

SECTION 2. Restricted Activities

Pursuant to Governor Abbott’s Executive Order GA-28, any outdoor gathering in excess of 100 people is prohibited **unless prior approval from the County Judge is obtained subject to certain conditions or restrictions not inconsistent with GA-28**. This prohibition shall not apply to the activities or gatherings set forth in paragraphs 1, 2, or 4 of Governor Abbott’s Executive Order GA-28.

As a result of the history of hundreds of people gathering in the unincorporated areas of Wichita County for Fourth of July celebrations, all public outdoor gatherings in the unincorporated areas in Wichita County are prohibited for the duration of this Order.

For purposes of this Order, a gathering shall be defined as any planned or spontaneous public outdoor gathering with a small number participating or a large number of people in attendance in the unincorporated areas in Wichita County for the duration of this Order.

SECTION 3. Enforcement

Pursuant to Texas Government Code Section 418.173(b), it is an offense for an individual to violate a condition or restriction of any Order issued by the Wichita County Judge during the public health crisis/disaster. Said offense shall be a Class C Misdemeanor punishable by a fine not to exceed \$500.

Any peace officer, including, but not limited to, officers of the Wichita County Sheriff’s Office, Is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code.

SECTION 4. Application

This Order of the County Judge applies to all unincorporated areas of Wichita County.

SECTION 5. Posting of this Order

The County will post this Order. 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.

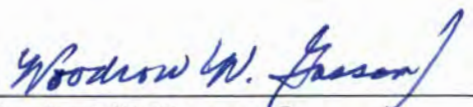
SECTION 6. Prior Orders

This Order is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitals set out in the preamble to this Order. Unless specifically referenced in this Order, all prior County Judge Orders and relevant amendments shall remain in full force and effect. To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Order and any executive order of the Governor, the strictest order shall prevail.

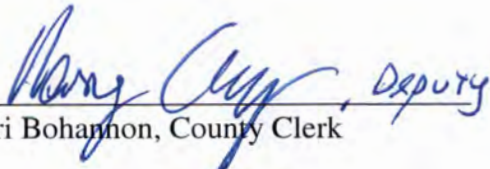
SECTION 7. Savings Clause.

If any subsection, sentence, clause, phrase, or word 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 the 30th day of June, 2020, in Wichita County, Texas, in witness whereof I subscribe my name and cause to be affixed the seal of the Wichita County.


Woodrow W. Gossom, Jr.
Wichita County Judge

Attested to and filed with me, the County Clerk of Wichita County, Texas this 30th day of June, 2020.


Lori Bohannon, County Clerk

THE STATE OF TEXAS
COUNTY OF WICHITA

I hereby certify that this instrument was RECEIVED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Wichita County, Texas.

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Lori Bohannon, County Clerk
Wichita County, Texas