

## RESOLUTION

### **ADOPTING GA-28 AND GA-29 AND EXTENDING DECLARATION OF LOCAL DISASTER**

**WHEREAS**, a novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout City of Sudan and beyond; and

**WHEREAS**, on April 3, 2020, the Mayor of the City of Sudan, Sam Miller, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Sudan with such declaration being extended by Resolutions of the City Council of the City of Sudan; and

**WHEREAS**, on May 12, 2020, the Governor of the State of Texas renewed his state-wide disaster proclamation for an additional thirty (30) days, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

**WHEREAS**, COVID-19 continues to spread and pose an imminent threat of widespread or severe illness, injury, or loss of life requiring emergency action and represents a public health disaster according to the Texas Department of State Health Services; and

**WHEREAS**, the United States President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) have issued guidelines for Opening Up America Again providing guidance on safely opening up American business and society that continues to emphasize minimizing travel, maximizing social distancing and avoiding socializing in large groups; and

**WHEREAS**, on May 18, 2020, the Governor of the State of Texas issued Executive Order GA-23, effective until 11:59 p.m. on June 3rd, superseding Executive Order GA-21, expanding the reopening of businesses and services throughout most of Texas; and

**WHEREAS**, on June 3, 2020, the Governor of the State of Texas issued Executive Order GA-26 superseding Executive Order GA-23, expanding into Phase III the reopening of businesses and services throughout the State of Texas; and

**WHEREAS**, on June 11, 2020, the Governor of the State of Texas renewed his state-wide disaster proclamation for an additional thirty (30) days, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

**WHEREAS**, on June 26, 2020, the Governor of the State of Texas issued Executive Order GA-28, superseding Executive Order GA-26, that partially retracts some of the reopening of businesses and services throughout the State of Texas; and

**WHEREAS**, on July 2, 2020, the Governor of the State of Texas issued a proclamation amending GA-28, lowering the mayoral approval threshold for outdoor gatherings from those in excess of 100 to those in excess of 10; and

**WHEREAS**, on July 2, 2020, the Governor of the State of Texas issued Executive Order GA-29, relating to the use of face coverings during the COVID-19 disaster; and

**WHEREAS**, the Declaration of Local Disaster extended in the latest Resolution of the City Council is set to expire at 11:59 p.m. on July 9, 2020; and

**WHEREAS**, it is critical for the City of Sudan to continue to take steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the citizens of Sudan and the surrounding area; and

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent public health and safety threat throughout City of Sudan and beyond and pursuant to Section 418.108(b) of the Texas Government Code, the City Council of the City of Sudan believes it to be proper and in the best interest of the public health, safety and welfare to renew and extend the Declaration of Local Disaster for Public Health Emergency and any subsequent issued orders that have not been rescinded as of the date of this resolution:

**NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF SUDAN, TEXAS, THAT:**

**SECTION 1.** The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

**SECTION 2.** All terms and conditions of the Governor's Executive Orders GA-28 and GA-29 are hereby adopted by reference and are incorporated herein as though set forth fully herein. Additionally, the guidelines and recommendations provided by the Governor in conjunction with issuing Executive Orders GA-28 and GA-29, are also adopted, to the extent it does not conflict with this Resolution, and all businesses, religious institutions and citizens are encouraged to review and follow said guidelines. Copies of Executive Orders GA-28 and GA-29 are attached hereto and incorporated herein as though set forth fully herein.

**SECTION 3.** All outdoor gatherings in excess of 10 people are prohibited unless such event has been previously approved by the Mayor, minimum standard health protocols as recommended by Texas Department of State Health Services are followed and they comply with any other restrictions, guidelines or protocols established by the Mayor not inconsistent with GA-28 and GA-29.

**SECTION 4.** Nothing in this Order should be construed as preventing a private establishment or business from implementing their own restrictions or regulations in accordance appropriate minimum state health guidelines.

**SECTION 5.** The Declaration of Local Disaster for public health emergency for the City of Sudan, which was signed and executed by the Mayor on April 3, 2020, in accordance with section 418.108 of the Texas Government Code, as previously renewed and extended by the Mayor and City Council, shall be renewed and continued through August 13, 2020, unless renewed, extended, amended or cancelled by the Mayor or City Council of the City of Sudan.

**SECTION 6.** Pursuant to §418.108(c) of the Texas Government Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Sudan.

**SECTION 7.** This resolution, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code § 122.005, authorizes the Mayor to take any actions necessary to promote health and suppress the COVID-19 virus, including the quarantine of persons

and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals and other hospitals, enforcing applicable orders issued by the Lamb County Judge, the Governor of the State of Texas or the Texas Department of State Health Services related to suppressing the COVID-19 virus, activating the emergency management plan for the City of Sudan in conjunction with Lamb County and insuring compliance of such actions.

**SECTION 8.** To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

**SECTION 9.** That to the extent this Resolution or any order issued pursuant to this Resolution, directly conflicts with the Governor's Executive Orders GA-28 and GA-29 or any subsequent applicable executive order issued by the Governor applicable to municipalities and the Mayor's authority as emergency management director under Chapter 418 of the Texas Government Code, Executive Orders GA-28 and GA-29, other applicable executive order issued by the Governor controls and the Mayor may comport, clarify and amend any such order to be consistent therewith without further action by the City Council.

**SECTION 10.** Any person who knowingly or intentionally violates this Resolution or any subsequent order issued pursuant to this Resolution, commits an offense, punishable by a fine up to \$1,000.00 for each occurrence.

**SECTION 11.** This Resolution shall take effect from and after its date of adoption.

READ, APPROVED AND ADOPTED by the City Council this the 9<sup>th</sup> day of July, 2020.

CITY OF SUDAN

By: 

Sam Miller, Mayor

ATTEST:

  
Mechele Edwards, City Secretary



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30<sup>pm</sup> O'CLOCK

JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:20pm O'CLOCK

JUL 02 2020

Governor Greg Abbott  
July 2, 2020

Proclamation  
Page 2

ATTESTED BY:



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RUTH R. HUGHS  
Secretary of State

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SECRETARY OF STATE  
2:30 PM O'CLOCK

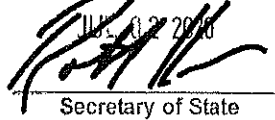
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GOVERNOR GREG ABBOTT

July 2, 2020

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SECRETARY OF STATE  
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JUL 2 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

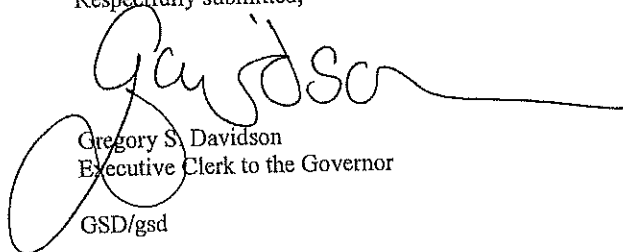
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the  
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

EXECUTIVE ORDER  
GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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2:30pm O'CLOCK

JUL 02 2020



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, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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JUL 02 2020

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

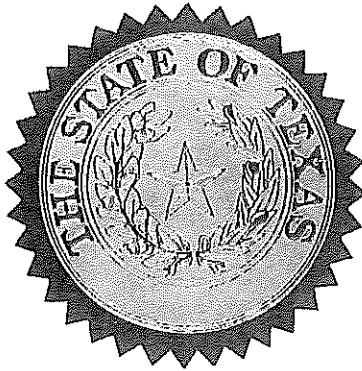
This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020

Governor Greg Abbott  
July 2, 2020

Executive Order GA-29  
Page 4



Given under my hand this the 2nd  
day of July, 2020.

Handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive script.

RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020