

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

**ORDER CLOSING GALVESTON COUNTY BEACHES
DURING THE COVID-19 DISASTER**

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

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; 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 Section 418.1015, the County Judge “may exercise the powers granted to the governor under this chapter on an appropriate local scale;” and

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

WHEREAS, under Section 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 Section 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, on March 17, 2020 Galveston County Judge Mark Henry signed a Declaration of a Local Disaster Related to COVID-19 pursuant to Section 418.108(a); and

WHEREAS, on March 23, 2020 the Commissioners Court of Galveston County voted unanimously to continue the State of Local Disaster related to COVID-19 until April 22, 2020, and further extensions are possible; and

WHEREAS, on March 31, 2020, Governor Abbott issued Executive Order GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster directing Texans to avoid in-person contact and gatherings; and

WHEREAS, on April 1, 2020, Judge Mark Henry issued an order implementing Governor Abbott’s Executive Order GA-14 on a local basis in Galveston County, Texas; and

WHEREAS, as other social gathering places such as bars and restaurants have closed, social gatherings have increased on public beaches and parks despite the Governor and County Judge’s orders to avoid such activities; and

WHEREAS, on April 7, 2020, Governor Greg Abbott has directed the Texas Parks and Wildlife and Texas Historical Commission to close all state parks and historical sites as part of the state’s efforts to strengthen social distancing practices and prevent gatherings of large groups of people; and

WHEREAS, under Title 31, Chapter 15, Rule 15.7 of the Texas Administrative Code, local governments are specifically authorized to close beach access points for emergencies related to public safety; and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Mark Henry, County Judge of Galveston County, 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:

Beaches in Galveston County are closed and must be vacated, all beach access points in Galveston County shall be closed, and ingress to beaches is prohibited.

For purposes of this Order, "Beaches" are defined as the land seaward of the line of vegetation on the coast of the Gulf of Mexico in unincorporated Galveston County, Texas, as well as any adjacent dunes. Consistent with Governor Abbott's Executive Order GA-14, fishing is still permitted elsewhere throughout the County.

This order is effective 12:01 a.m. on April 10, 2020, and continuing through April 17, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force, and subject to the Commissioners Court's further extension of the State of Local Disaster.

Violation of this order shall be an offense punishable by a fine of \$500. Violators may be subject to arrest.

The County of Galveston must promptly provide copies of this Order by posting copies for public viewing in the same manner as publicly posted Commissioners Court agendas.

IN WITNESS WHEREOF, I affix my signature this 8 day of April, 2020.



Mark Henry
Galveston County Judge

Filed with the County Clerk on, _____ 2020.