



County Judge Lina Hidalgo

DIRECTOR

ORDER OF COUNTY JUDGE LINA HIDALGO
To commandeer property needed to cope with a disaster

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents in accordance with Section 418.108 of the Texas Government Code; and

Whereas, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

Whereas, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people; and

Whereas, on March 17, 2020, the Harris County Commissioners Court issued an Order at a Special Meeting of Commissioners Court approving the extension to March 25, 2020, of the Declaration of Local Disaster for Public Health Emergency declared by County Judge Lina Hidalgo and signed on March 11, 2020; and

Whereas, on March 19, 2020, Governor Abbott issued the first Public Health Disaster Declaration released in the State of Texas since 1901 and an Executive Order which, among other things, prohibits Texans from gathering in groups of more than ten persons; and

Whereas, on March 24, 2020, the Harris County Commissioners Court issued an Order approving the extension until April 29, 2020, of the Declaration of Local Disaster for Public Health Emergency declared by County Judge Lina Hidalgo and signed on March 11, 2020, and extended at a Special Meeting of Commissioners Court on March 17, 2020 to March 25, 2020; and

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

Whereas, the COVID-19 virus causes property loss or damage due to its ability to attach to surfaces for prolonged periods of time; and

Whereas in Proclamation 9994 of March 13, 2020 (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak), the President of the United States declared a national emergency recognizing the threat that the novel (new) coronavirus known as SARS-CoV-2 poses to the Nation's healthcare systems.

Whereas Harris County and other local governments have taken preventive and proactive measures to slow the spread of the virus and to treat those affected and the spread of COVID-19 within our communities threatens to strain the County's healthcare systems.

Whereas on March 23, 2020 the President of the United States issued an executive order recognizing that personal protective equipment and sanitizing and disinfecting products must be readily available to ensure that our Nation's healthcare systems are able to surge capacity and capability to respond to the spread of COVID-19. <https://www.whitehouse.gov/presidential-actions/executive-order-preventing-hoarding-health-medical-resources-respond-spread-covid-19/>

Whereas N95 masks and other medical supplies, provide essential protection to medical personnel treating infected patients, and are in short supply and cannot be obtained through normal supply chains at this time;

Whereas the County Judge may commandeer or use any private property if the County Judge finds it necessary to cope with a disaster, subject to the compensation requirements of Tex. Gov't Code § 418.107;

Whereas On March 24, 2020 Governor Abbot issued an Executive Order recognizing that a shortage of hospital capacity or personal protective equipment would hinder efforts to cope with the COVID-19 disaster; and

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

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes. This Order is in addition to any previous orders issued by the Harris County Judge.

Harris County hereby commandeers and seizes the following property in the possession or control of Auctions Unlimited, LLC:

All N95 masks

All sanitizer wipes

All hand sanitizer

200,000 disposal masks

Such items are called "the Property" in this order.

Harris County is in need of the Property to protect the health and safety of Harris County residents and to cope with the declared disaster.

Harris County employees, officials, and contractors are authorized and ordered to enter upon the premises of Auctions Unlimited, LLC at 8777 Tallyho Rd., Building 3, Houston, Texas 77061 or any other premises controlled by Auctions Unlimited, LLC for the purpose of inspecting and performing such other actions as are necessary to identify and locate the property

and ascertain its suitability for use by the County and to take immediate possession of the Property.

Tim Worstell, or any employee, officer, director, partner, subcontractor, or agent of Auctions Unlimited, LLC shall immediately and upon demand of the Harris County Purchasing Agent turn over and deliver to Harris County the Property.

Harris County officials, employees, and contractors are authorized and ordered to take immediate possession of the Property and exclude any persons who may impede their actions.

The owner(s) of the Property shall be entitled to file a claim for compensation and shall be compensated in accordance with the laws of the state of Texas.

The Purchasing Agent, the Sheriff, Constables, and all other Harris County officials and employees are ordered and authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

IT IS SO ORDERED.

Signed on 3/27/20 12:30pm, 2020.



LINA HIDALGO
HARRIS COUNTY JUDGE