

MINUTES

BE IT REMEMBERED, That on this 11 DAY of AUGUST, 2021, Commissioners Court of Fort Bend County, Texas, met at a special meeting with the following present:

KP GEORGE	COUNTY JUDGE
VINCENT MORALES	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
KEN R. DEMERCHANT	COMMISSIONER PRECINCT 4
KIM ADAMS FOR LAURA RICHARD	COUNTY CLERK

When the following were heard and the following orders were passed:

- 1. Call to Order.**
Call to Order by Judge KP George at 3:01 p.m.
- 2. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.**

Discuss potential responses to rising COVID-19 infections.

Recess:

Recessed at 3:01 p.m.

Closed Session:

Convened at 3:04 p.m.

Adjourned at 3:24 p.m.

Reconvene:

Reconvened: 3:29 p.m.

3. Reconvene Open Session and consider taking action on the following matters:

§ 551.071. Consultation With Attorney.

Discuss potential responses to rising COVID-19 infections.

Moved by Commissioner Prestage, Seconded by Commissioner DeMerchant
Duly put and carried (3-2), it is ordered to authorize the Fort Bend County Attorney to file, on behalf of Fort Bend County, any and all legal actions necessary for the preservation of life or other disaster mitigation, response, or recovery due to the public health risks related to the recent extraordinary rise in COVID-19 cases in Fort Bend County, including the pursuit of a judicial declaration that the suspension of all laws allowing governmental entities such as counties, cities, school districts and public health authorities, and governmental officials to impose masking requirements in Governor Abbott's Executive Order GA-38 exceeds the Governor's authority to suspend laws under the Texas Disaster Act of 1973, or in the alternative, that the suspension of laws in Executive Order GA-38 violates the Suspension Clause and the Separation of Powers Clause of the Texas Constitution. I move, Pursuant to Texas Civil Practice & Remedies Code Section 6.001(c), to approve the exemption of the Fort Bend County Attorney from filing a bond to take out an extraordinary writ in cases brought on behalf of Fort Bend County as an action necessary for the preservation of life or other disaster mitigation, response, or recovery due to the public health risks related to the recent extraordinary rise in COVID-19 cases in Fort Bend County.

Judge George	Yes
Commissioner Morales	No
Commissioner Prestage	Yes
Commissioner Meyers	No
Commissioner DeMerchant	Yes

Commissioner Meyers asked Judge George to explain the course of action the court is taking and the reason for taking this action.

Judge George asked Marcus Spencer to explain what court action is being taken.

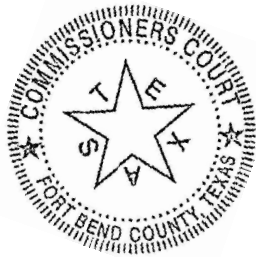
Marcus Spencer, First Assistant County Attorney explained the County Attorney's Office is filing on behalf of the County a suit to question the authority of Governor Abbott's Executive Order GA-38. The County feels that certain actions taken under this Order have exceeded his authority and would like to have a court decide whether those actions were legally authorized. Mr. Spencer stated these actions are to restrict governmental entities from imposing any mask mandates upon its employees or invitees to their facilities.

4. Adjournment.

Commissioners Court Special Meeting adjourned at 3:34 p.m. on Wednesday, August 11, 2021.

Moved by Commissioner Meyers,
to adjourn.

August 11, 2021



I attest to the accuracy of the foregoing minutes.

Laura Richard, County Clerk, Fort Bend County, Texas