Correction Instrument

FILED
AT 12:35 O'CLOCK P M

JUN 25 2020

ARTURO GUAJARDO, JR. COUNTY CLERK
HIDALGO COUNTY, TEXAS
BY _____ DEPUTY

SUPPLEMENTAL EMERGENCY ORDER RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY (20-010)

ADDITIONAL COVERED ENTITY GUIDELINES

WHEREAS, pursuant to Texas Government Code Section 418.108, Hidalgo County Judge Richard Cortez issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to the imminent threat arising from the Coronavirus (COVID-19); and,

WHEREAS, on March 22, 2020, in accordance with Texas Government Code Section 418.108(b), the Commissioners Court of Hidalgo County issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Hidalgo County Emergency Management Plan and extends the Declaration of Local Disaster; and,

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent of the Commissioners Court authorizes the Hidalgo County Judge to continue to exercise powers granted under the Texas Disaster Act of 1975; and,

WHEREAS, Judge Cortez has previously issued Emergency Orders Related to the Corona Virus Disease (COVID-19) Public Health Emergency, in furtherance of his authority under Chapter 418 of the Texas Government Code to protect the overall health, safety and welfare of the public by slowing the spread of the virus; and,

WHEREAS, Hidalgo County has seen an increase in the number of cases and hospitalizations related to COVID-19 and has surpassed 1,000 total cases, with continued single daily record high reported cases and without a downward trajectory since Governor Abbott issued Executive Order GA-026 on June 03, 2020; and

WHEREAS, the State of Texas and the County of Hidalgo must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical and business leaders; and,

WHEREAS, pursuant to Chapter 121 of the Texas Health & Safety Code, the County has appointed Dr. Ivan Melendez as the Hidalgo County Health Authority, along with Eddie Olivarez the Hidalgo County Health & Human Services Director, together they have the authority to administer state and local laws relating to public health within the jurisdiction of the County of Hidalgo; and

WHEREAS, Dr. Melendez and Mr. Olivarez have advised the County that additional hygiene measures are necessary to stop the continued spread of COVID-19; and

WHEREAS, the ongoing evaluation of circumstances involving the moderate to substantial spread of the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the Order to be amended; and,

WHEREAS, the County Judge has determined that extraordinary emergency measures are necessary to be taken to continue with the mitigation of this public health emergency, facilitate a cooperative response amongst the citizens of Hidalgo County, and reopen the aforementioned business and industrial aspects of the County of Hidalgo; and,

WHEREAS, in accordance with Executive Order GA-26, failure to comply with any of Governor Abbott's executive orders issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed $1,000.00 and may be subject to regulatory enforcement;

THEREFORE, PURSUANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT of 1975, Hidalgo County Judge Richard Cortez hereby issues this AMENDED ORDER as follows:

EFFECTIVE AS OF 12:01 A.M. ON JUNE 26, 2020.

MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:

All persons over the age of three (3) should wear some form of facial covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief, when obtaining or providing covered services. It is highly encouraged and recommended that all persons should wear a form of facial covering, when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other persons; when on parking lots; when using public transportation, taxis, or ride services; when pumping gas; when providing take-out, curbside, or drive-thru services.

This recommendation shall not apply to persons that are: engaging in a permissible outside physical activity (unless within six feet of another person); persons driving or riding in a personal vehicle during essential or reopened activities; persons that are alone in a separate single room or office space; persons that are with their own residence, including household members; persons with medical conditions that when covering the nose and mouth may pose a greater health, safety or security risk; persons that are not covering for consumption of food and beverage. No civil or criminal penalty may be imposed against a person for failure to wear a face covering.

NOTE: MEDICAL GRADE MASKS ARE NOT REQUIRED AND ARE DISCOURAGED TO THE EXTENT THAT SUCH USE MAY DISRUPT THE SUPPLY OF MEDICAL GRADE MASKS FOR THE BENEFIT OF ESSENTIAL WORK FORCE. COVERING NOSE AND MOUTH CAN ONLY DIMINISH THE CHANCE OF EXPOSURE AND PARTIALLY PREVENT ASYMPTOMATIC PERSONS WITH COVID-19 FROM UNKNOWINGLY EXPOSING AND OR SPEADING THE DISEASE.

SOCIAL GATHERINGS:

All public or private gatherings of ten (10) persons or more occurring outside a single household or living unit are prohibited, unless such gathering are specifically enumerated by this Order, by Executive Order EO-GA-26, or by proclamation, or future executive order by the Governor. Nothing in this Order prohibits the gathering of members of a household or living unit.

SHELTER-AT-HOME:

It is **highly encouraged and recommended that all persons Shelter-At-Home**, unless obtaining or providing for essential or covered services. All persons shall minimize social gatherings; minimize in-person contact with people who are not in the same household. Individuals should conduct personal activities in compliance with recommended guidelines including maintaining six feet physical distancing; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; and covering mouth and nose.

CURFEW:

1. In addition to the recommendation to Shelter-At-Home, a curfew for all persons aged seventeen (17) and under shall be imposed from 10:00 PM to 6:00 AM, unless accompanied by a parent or guardian, or for providing Covered Services.

2. In addition to the recommendation to Shelter-At-Home, a curfew for all persons aged eighteen (18) and over shall be imposed from 11:00 PM to 5:00 AM, unless that person is out for an emergency, or for providing Covered Services, or unless otherwise superseded by proclamation or subsequent executive orders issued by Governor Abbott.

ALL TRAVEL IS LIMITED, EXCEPT FOR COVERED SERVICES, AS FOLLOWS:

1. It is highly encouraged and recommended that Travel into or out of the County should be limited to perform or obtain Covered Services, or other travel as permitted by law.

2. "Covered Travel" includes travel for any of the following purposes:

    a) Any travel related to the provision of or access to Covered Services.
    b) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons
    c) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and business operations.
    d) Travel to return to a place of residence from outside the jurisdiction
    e) Travel to return from a place of employment from outside the jurisdiction.
    f) Travel required by First Responders, Law Enforcement or court order.
    g) Travel required for non-residents to return to their place of residence outside the County.

3. Public Transportation may only be used for purposes of performing:

    a) Personal activities related to Covered Services
    b) Travel to and from work for the purposes of providing Covered Services.

All Public Transportation activities must be performed in compliance with physical distancing including, to the extent possible, maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water at least twenty seconds often or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; and requiring the wearing of facial covering mouth and nose.

ADDITIONAL HYGIENE MEASURES:

All commercial "Covered Services", as enumerated in Judge Cortez's Amended Order (20-008), that are providing goods and services directly to the public must develop and implement "Health and Safety Practices" that require employees and customers to follow additional hygiene measures. The Health and Safety Practices must require that all employees and customers to the commercial Covered entity's business premises or other facilities **wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief,** when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or to customers where six feet of separation is not feasible. The Health and Safety Practices required shall not interfere with the operations and functions of CISA and religious services.

Additional Health and Safety Practices required to be developed and implemented by this Order **SHALL** also include additional mitigating measures designed to control and reduce the transmission of COVID-19, in compliance with the *Governor's Strike Force to Open Texas - Open Texas Checklists; Phase III.*

https://open.texas.gov/

Commercial Covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as using dividers between individuals if six (6) feet physical distancing is not available between employees and/or customers inside the facility, conduct temperature checks or health screenings at entrances. Commercial Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Retailers.pdf

Employer Covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as encouraging employees to work remotely

if possible, not allow employees with known close contact to a positive for COVID-19 to return to work until the end of a fourteen (14) day self-isolation period, and/or conducting temperature checks or health screenings of employees. Employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Employers.pdf

Restaurant Covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as continuing to provide pick-up, drive-thru or delivery services, maintain at least six (6) feet of physical distancing between tables, or four (4) feet physical distancing between tables if the restaurant uses a partition, conducting temperature checks or health screenings at entrances. Restaurant Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Restaurants.pdf

Bar Covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as not permitting customers to loiter at the bar or in common areas, only provide services to seated individuals, discouraging activities that enable close physical contact such as dancing, conducting temperature checks or health screenings at entrances. Restaurant Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Bars.pdf

Cosmetology Salon/Hair Salon Covered entities are strongly recommended to follow Minimum Standard Health Protocols relevant to operations of these type of business or entity, because of the proximity between individuals in these facilities. Cosmetology salons may operate provided they can ensure at least 6 feet physical distancing between operating work stations, schedule appointments to limit amount of persons in facilities, sanitize surfaces and equipment between uses. Cosmetology Salon/Hair Salon Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees, and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Cosmetology-Hair-Salons.pdf

Nail Salon/Shop Covered entities are strongly recommended to follow Minimum Standard

Health Protocols relevant to operations of their type of business or entity, because of the proximity between individuals in these facilities. Nail Salons may operate provided they can ensure at least 6 feet physical distancing between operating work stations, schedule appointments to limit amount of persons in facilities, sanitize surfaces and equipment between uses. Nail Salon Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Nail-Salons.pdf

All Covered entities must post the Health and Safety Practices required by this Order in a conspicuous location sufficient to provide notice to employees and customers of the Health and Safety requirements. Failure to develop and implement Health and Safety Practices as required by this Order within three (3) days from the effective date of this Order may result in a fine against the commercial covered entity, not to exceed $1,000 dollars for each violation.

In accordance with the Guidelines from the President, the CDC, and Governor Abbott's Executive Order GA-26, people over the age of 65, are strongly encouraged to stay at home as much as possible; to maintain appropriate physical distance from any member of the household who has been out of the residence in the previous fourteen (14) days; and, if leaving the home, to implement physical distancing and to practice good hygiene, environmental cleanliness, and sanitation. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities as appropriate.

This Order shall remain in full force and effect, unless it is modified, rescinded, superseded, or amended pursuant to applicable law, the status of COVID-19 in the County of Hidalgo, Texas, and/or recommendations of the Governor's Strike Force to Open Texas. This Order supersedes prior Orders, and in the event of a conflict or apparent conflict between the Orders, this Order shall control.

The County of Hidalgo must promptly provide copies of this Order by posting on the Hidalgo County website. 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.

It is the intent of this Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott. This Order is in addition to the executive orders issued by Governor Greg Abbott. As such, to the extent that this County Order may be inconsistent with any orders issued by the Governor, then the Governor's Order shall control, but only to the extent this order may not restrict essential services or reopened services, allow gatherings prohibited by Executive Order GA-26, or expand essential services or reopened services set forth in Executive Order GA-26.

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 25th day of June, 2020

Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo, Hidalgo County Clerk

VG-120-2020-3124232

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3124232

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Total Recording: $ 0.00

*******THIS PAGE IS PART OF THE DOCUMENT*******

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

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100 E. Cano St. 2nd Floor
Correction to Inst. No. 3124076
Edinburg TX 78539

COUNTY COURT
COUNTY OF HIDALGO, TEXAS

STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas