

FILED
AT 3:37 O'CLOCK P.M.

JUN 17 2020

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



SUPPLEMENTAL EMERGENCY ORDER
RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY
(20-009)

ADDITIONAL 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 Amended 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 a single day high of 143 cases and has not shown 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 18, 2020.

MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:

All persons over the age of three (3) should wear some form of 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, 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.

It is highly encouraged and recommended that all persons shelter-at-home, unless obtaining or providing for essential or reopened services as defined herein. 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.

All commercial “Covered Services”, as enumerated in Judge Cortez’s Amended Order (20-008), that are not CISA services or religious services, and 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, at a minimum, that all employees or 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 to be developed and implemented by this Order may also include additional mitigating measures designed to control and reduce the transmission of COVID-19, such as temperature checks or health screenings. Commercial 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 by 12:01 a.m. on Saturday June 20, 2020 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.

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 17th day of June, 2020

Richard F. Cortez

Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo Jr.

Arturo Guajardo, Hidalgo County Clerk

