

FILED  
AT 3:37 O'CLOCK P M

JUN 04 2020



ARTURO GUAJARDO, JR. COUNTY CLERK  
HIDALGO COUNTY, TEXAS  
BY \_\_\_\_\_ DEPUTY

**AMENDED EMERGENCY ORDER**  
**RELATED TO EXPANDED OPENING OF TEXAS DURING THE**  
**PUBLIC HEALTH EMERGENCY**  
**(20-008)**

**EXPANDED OPENING OF SERVICES ORDER**

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, on Judge Cortez has previously issued Amended Emergency Orders Related to the Expanded Reopening of Additional Services During the Public Health Emergency Related to Corona Virus Disease (COVID-19), 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, on June 3, Governor Abbott issued Executive Order GA-26, relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; 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, 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 4, 2020.**

**MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:**

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.

It is highly encouraged and recommended that 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 essential services or reopened services, entering into any building open to the general public for essential services or reopened services; 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 purposes. No civil or criminal penalty may be imposed for failure to wear a face covering.

Except for the Hidalgo County Precinct #2 Hike & Bike Trail, County owned parks will remain closed for the duration of this Order.

In accordance with Govern Abbott's Executive Order GA-26, for any outdoor gathering estimated to be in excess of five-hundred (500) people held in unincorporated areas of the County of Hidalgo, other than those enumerated in sections one (1), two (2), or four (4) below, must comply with Hidalgo County Mass Gathering Policy; Outdoor gathering estimated to be in excess of five-hundred (500) people to be held in the jurisdiction of a municipality, must comply with any additional restriction as imposed by the governing authority of the municipality.

## EXPANDED OPENING

In accordance with Governor Abbott's Executive Order GA-26, every business establishment in Texas shall operate at no more than fifty (50) percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:
  - a. Any services listed by the U.S. Department of Homeland Security's Cyber Security and Infrastructure Security Agency (CISA) in its *Guidance on the Essential Critical Infrastructure Workforce*, Version 3.1 or any subsequent version;
  - b. Religious services conducted in churches, congregations, and houses of worship;
  - c. Local government operations, including county and municipal government operations relating to licensing (including marriage licenses), permitting, recordation, document-filing services, as determined by the local government;
  - d. Child-care services;
  - e. Youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps, and other daytime and overnight camps for youth; and
  - f. Recreational sports programs for youths and adults;
2. This fifty (50) percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than fifty (50) percent of the normal operating limits as determined by the owner;
  - a. Professional, collegiate, or similar sporting events;
  - b. Swimming pools;
  - c. Water parks;
  - d. Museums and libraries;
  - e. Zoos, aquariums, natural caverns, and similar facilities; and
  - f. Rodeos and equestrian events;
3. This fifty (50) percent occupancy limit does not apply to the following establishments that operate with at least six-feet of physical distancing between work stations:
  - a. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologist or barbers practice their trade;
  - b. Massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade;
  - c. Personal-care and beauty services that have not already been opened, such as tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth service;
4. Amusement parks and carnivals shall operate at no more than fifty percent (50%) of the normal operating limits as determined by the owner;
5. Dine-in restaurant services that have less than fifty-one percent (51%) of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall increase at 12:01 on JUNE 12, 2020, to permit such restaurants to operate at no more than seventy-five percent (75%) of the total listed occupancy of the restaurant;
6. For indoor bars and similar indoor establishments that are not restaurants as defined above and that hold a permit from the Texas Alcoholic Beverage Commission, only those

- customers/patrons who are seated may be served;
7. Staff members are not included in determining operating levels, except for manufacturing services and office workers.

All Covered Services or activities shall be provided and/or obtained in compliance the DSHS Minimum Standard Health Protocols at [www.dshs.texas.gov/coronavirus/opentexas.aspx](http://www.dshs.texas.gov/coronavirus/opentexas.aspx), and this Order; with CDC guidelines; with Physical Distancing for employees and the general public; 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; covering mouth and nose; and working from home through remote telework, if possible.

### **WORK SAFE MEASURES:**

All Covered Services operating in unincorporated areas of the County, including, as defined above, may adopt work safe measures and or reopening plans that should comply with the Minimum Standard Health Protocols as recommended by DSHS at [www.dshs.texas.gov/coronavirus/opentexas.aspx](http://www.dshs.texas.gov/coronavirus/opentexas.aspx); CDC guidance and Physical Distancing requirements including maintaining six foot physical distancing for both employees and the general public; washing hands with soap and water least twenty seconds or using hand sanitizer; covering coughs or sneezes; and covering mouth and nose. Work safe measures must be available upon request.

Covered Services may utilize an existing “Work Safe” plan or “Reopening” plan that has been required by and/or submitted to a municipal jurisdiction to ensure measures are in place to protect the health, safety and welfare of County residents and avoid the continued spread of COVID-19.

In accordance with Governor Abbott’s Executive Order GA-26 for the remainder of the 2019-2020 school year, public schools may resume operations for the summer, under minimum standard health protocols found in guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education should establish similar terms for conducting school activities. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by the TEA.

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.

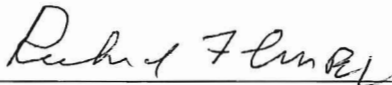
This Order shall remain in full force and effect, unless it is modified, rescinded, superseded, or amended pursuant to applicable law, the status of COVID-19 in the County of Hidalgo, Texas, and/or recommendations of the Governor's Strike Force to Open Texas. This Order supersedes prior Orders, and in 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 4<sup>th</sup> day of June, 2020



Richard F. Cortez, Hidalgo County Judge

ATTEST:



Arturo Guajardo, Hidalgo County Clerk

