



THIRD AMENDED EMERGENCY ORDER
RELATED TO THE REOPENING OF SELECT
SERVICES DURING THE PUBLIC HEALTH
EMERGENCY
(20-004)

REOPENED 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 April 7, 2020, Judge Cortez issued a Second Amended Emergency Order (20-003) Instituting Subsequent Measures Due To A 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 April 17, 2020, Governor Abbott issued Executive Order GA-16 relating to the safe, strategic reopening of select services as the first step 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, by this order, County Judge Richard F. Cortez shall create the Hidalgo County Economic Recovery Advisory Group to evaluate and make recommendations on how to safely and strategically reopen significant aspects of business, entertainment and other social and cultural industries of the County of Hidalgo; 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 April 7, 2020 Order of the County Judge Richard F. Cortez 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;

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

EFFECTIVE AS OF 11:59 P.M. ON APRIL 23, 2020.

1. **The provisions of JUDGE CORTEZ’S SECOND AMENDED EMREGENCY ORDER (20-003) entered on April 7, 2020, shall remain in full force and effect except as modified herein.**

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

- A. All individuals currently living within Hidalgo County, Texas **are ORDERED to continue to SHELTER-AT-HOME in their residence.** For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain Physical Distancing of at least six feet from any other person when they are outside their residence; 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; covering mouth and nose.
- B. All persons may only leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, as defined by and in compliance with JUDGE CORTEZ’S SECOND AMENDED EMERGENCY ORDER (20-003), **and** for Reopened Services as defined herein.

3. **REOPENED SERVICES:**

For the purposes of this Order “Reopened Services” shall consist of Retail Services that are not defined as “Essential” services or activities in JUDGE CORTEZ’S SECOND AMENDED EMERGENCY ORDER (20-003), and that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep in strict compliance with the terms required by the Texas Department of State Health Services (DSHS), which may be found at www.dshs.texas.gov/coronavirus .

All Essential Services or Activities and Reopened Services shall be provided and/or performed in compliance with JUDGE CORTEZ'S SECOND AMENDED EMERGENCY ORDER (20-003), the DSHS - *COVID-19: Guidance for Employer, Employees, and Customers of Reopened Services*, 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.

4. ONLY ESSENTIAL TRAVEL PERMITTED:

For the purposes of this Order, and in addition to complying with JUDGE CORTEZ'S SECOND AMENDED EMERGENCY ORDER (20-003) and/or any clarifications issued, Travel provisions shall permit persons to travel for the purposes of providing or obtaining Reopened Services in addition to Essential Activities.

5. WORK SAFE MEASURES:

All Essential Services and Reopened Services operating in unincorporated areas of the County, including Critical Infrastructure, Essential Retail services, and Reopened Service providers, as defined above, shall adopt work safe measures to comply with 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 often or using hand sanitizer; covering coughs or sneezes; and covering mouth and nose. Work safe measures must be available upon request.

Essential Businesses and Reopened Services (as defined herein) 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.

6. In accordance with Governor Abbott's Executive Order GA-15, Section 1.(e) of JUDGE CORTEZ'S SECOND AMENDED EMERGENCY ORDER (20-003), related to the prohibition and/or postponement of elective medical, surgical, and dental procedures, is herein suspended in compliance with EO GA-15. Licensed health care professionals and licensed health care facilities may seek additional guidance from the Texas Medical Board at www.tmb.state.tx.us/page/coronavirus#emergencyrules.
7. In accordance with Governor Abbott's Executive Order GA-16, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year. Public education teachers and staff may return to schools to conduct remote video instruction, or administrative duties, including meal distribution, instructional materials distribution, and other business operations, as determined by their governing body, and under the required terms of the Texas Education Agency. Private

schools and institutions of higher education should establish similar terms for conducting school activities.

8. In accordance with Governor Abbott's Executive Order GA-16, people shall avoid eating or drinking at bars, lounges and private clubs, restaurants, and food courts; Visiting fitness centers, gyms, massage parlors, tattoo, and piercing parlors; Hair and nail salons, barber shops, estheticians, and related personal care business. Provided however, that the use of drive-thru, delivery, or take out service is allowed and highly encouraged for food throughout the duration of this Order. Employees, customers and patrons must follow CDC guidance; comply with Physical Distancing including maintaining six-foot physical distancing from each other, washing hands with soap and water at least twenty seconds or using hand sanitizer; covering mouth and nose.
9. In accordance with Governor Abbott's Executive Order GA-16, 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 home, 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.
10. This Order shall be effective until **11:59 p.m. on April 30, 2020**, or until it is either rescinded, superseded, or amended pursuant to applicable law. This Order is a supplement to Judge Cortez's Second Amended Emergency Order Instituting Subsequent Measures Due to A Public Health Emergency (20-003), and in the event of a conflict or apparent conflict between the Orders, this Order shall control.
11. **ANY PERSON VIOLATING THIS ORDER MAY BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 DOLLARS OR CONFINEMENT FOR A PERIOD NOT EXCEEDING 180 DAYS.**
12. **Any peace officer or other person with lawful authority, including but not limited to the Hidalgo County Sheriff's Office, the Hidalgo County Constable's Offices, the Hidalgo County Fire Marshal's Office, the Hidalgo County District Attorney Investigators and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this Order and Appendix in accordance with the authority granted under Chapter 418.173 of the Texas Government Code.**
13. 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.
14. 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, the more restrictive order shall control unless preempted. Requests for additions to "Essential Services" should be directed to the Texas Division of Emergency Management (TDEM) at

EssentialServices@tdem.texas.gov.

15. 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 23rd day of April, 2020



Richard F. Cortez, Hidalgo County Judge

ATTEST:



Arturo Guajardo, Hidalgo County Clerk

