

FEB 22 2021

SYLVIA GARZA-PEREZ
CAMERON COUNTY CLERK
By S. Barron Deputy



Eddie Treviño, Jr.
County Judge

**THIRTEENTH EMERGENCY MANAGEMENT ORDER
INCLUDING BAR REOPENINGS AND LIMITATIONS ON
GATHERINGS**

WHEREAS, pursuant to Texas Government Code Section 418.108, Cameron County Judge Eddie Treviño, Jr., declared a state of local disaster on March 16, 2020, due to the imminent threat arising from COVID-19; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 21, 2020, the Cameron County Commissioners Court approved Cameron County Commissioners Court Order Extending Coronavirus/COVID-19 Disaster Declaration; and

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

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and DSHS, and by approval of the Cameron County Commissioners Court which authorized the Cameron County Judge to take such actions as are necessary in order to protect the health and safety of the citizens of Cameron County by the issuance of orders; and

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, as Cameron County opted in to allow bars and similar establishments to open at 50% capacity as allowed by GA-32 and TABC rules on October 17, 2020; and

WHEREAS on November 13, 2020, the Cameron County Judge issued the Eighth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on December 2, 2020, the Cameron County Judge issued the Ninth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on December 31, 2020, the Cameron County Judge issued the Tenth Amended Emergency Management Order Including Curfew and Limitations on Gatherings; and

WHEREAS on January 5, 2021, the Cameron County Judge issued the Eleventh Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on January 8, 2021 the Cameron County Judge issued the Twelfth Amended Emergency Management Order Including Bar Closures and Limitations on Gatherings; and

WHEREAS on February 5, 2021 the Cameron County Judge issued an Order Extending the Twelfth Eleventh Amended Emergency Management Order Including Bar Closures and Limitations on Gatherings; and

WHEREAS, it is the intent of this Thirteenth Emergency Management Order Including Bar Reopenings and Limitations on Gatherings to continue mandatory facial coverings, and to remain as consistent and to harmonize with, to the extent possible, the executive orders of Governor Greg Abbott and the current declarations of the Mayors of the cities in Cameron County (as extended or modified); and

WHEREAS, by the authority vested in the County Judge and as the Emergency Management Director for the County to continue to protect the health and safety of the community and address the developing and rapidly changing circumstances when presented by the current public health emergency, he hereby issued this Twelfth Amended Emergency Management Order Including Bar Closures and Limitations on Gatherings; and

WHEREAS, the purpose of this Order is to reduce vulnerability of people and the community to injury and loss of life resulting from COVID-19; and

WHEREAS, by letter dated February 20, 2021 DSHS notified Cameron County Judge Eddie Treviño, Jr. that Cameron County no longer meets or exceeds the thresholds set out in GA-32 and is no longer an area of high hospitalization as a result of seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is less than 15 percent; and

WHEREAS, this Order is put in place for prompt and efficient care and treatment of persons victimized or threatened by COVID-19 through the authorization and provision for cooperation in disaster mitigation, preparedness, response and recovery thereby coordinating activities relating to disaster mitigation, preparedness, response, and recovery by federal, state, and local entities; and

WHEREAS, this order will provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by COVID-19; and

WHEREAS, 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; and

WHEREAS, pursuant to Texas Government Code Sec. 418.173(b) and the Cameron County Emergency Plan, it is an offense to violate a condition or restriction of any Order issued by the County Judge, during the public health disaster. Said offense shall be punished by a fine not to exceed \$500.00, except that the offense shall be punished by a fine not to exceed \$1,000.00 if it is shown on the trial of the offense that the person has been previously convicted an offense under Texas Government Code Sec. 418.173.

THEREFORE AND ACCORDINGLY PURSUANT TO THE TEXAS DISASTER ACT OF 1975, THE COUNTY JUDGE HEREBY ISSUES THIS THIRTEENTH EMERGENCY MANAGEMENT ORDER INCLUDING BAR REOPENINGS AND LIMITATIONS ON GATHERINGS AS FOLLOWS:

Effective as of 12:00 p.m. on Monday, February 22, 2021, (*"Effective Date"*), and continuing until Wednesday, March 31, 2021, at 12:01 p.m. unless extended, modified, or terminated early by the County Judge or as otherwise indicated below:

1. PUBLIC HEALTH EMERGENCY

- a. This Thirteenth Emergency Management Order continues the local disaster declaration and public health emergency for Cameron County for the period specified in this Order.
- b. This Order incorporates and adopts by reference all currently active orders issued/promulgated by the Governor relating to the COVID-19 disaster up to and including GA-32.

2. FACE COVERINGS – GENERAL PUBLIC

- a. All people 10 years or older shall wear a face mask covering their nose and mouth when in a public place or working in areas that involve close proximity with other coworkers.¹ Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Cameron County residents or visitors should continue to maintain social distancing of at least six feet while outside their home.
- b. Face coverings do not need to be worn in the following circumstances:
 - i. When exercising or engaging in outside physical activities;
 - ii. While driving alone or with passengers who are part of the same household as the driver;
 - iii. When doing so poses a greater mental or physical health, safety, or security risk;
 - iv. While pumping gas or operating outdoor equipment; and
 - v. When actively consuming food or drink.
- c. BE ADVISED: Face coverings are a secondary strategy to other mitigation efforts. Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask.
- d. All people should:
 - i. Wash their hands frequently before you leave and return home;
 - ii. Practice Social Distance by staying at least six feet away from others;
 - iii. Avoid touching nose, face, or eyes;
 - iv. Not use disposable masks more than three times; and
 - v. Wash reusable cloth masks regularly to prevent the spread of the virus.
- e. It is strongly recommended that people should Shelter-In-Place, not to leave their home unless conducting essential activities or performing essential services or essential travel;

¹ The CDC advises face coverings for people 2 years or older.

- f. Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation. A citation under this provision does not absolve or limit the liability of a premise operator/owner for their obligations under other parts of this order.

3. LIMITATIONS ON GATHERINGS

In conformity with GA-32 every business establishment in Cameron County shall operate at no more than 75 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 Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;
 - b. religious services, including those conducted in churches, congregations, and houses of worship;
 - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and 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 youths;
 - f. recreational sports programs for youths and adults;
 - g. any public or private schools, and any public or private institutions of higher education, not already covered above;
 - h. drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle; and

- i. the following establishments that operate with at least six feet of social distancing between work stations: cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; 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; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
2. Except as provided below by paragraph No. 4, there is no occupancy limit for outdoor areas, events, and establishments, with the exception of the following outdoor areas, events, or establishments that may operate at no more than 75 or 50 percent, as applicable, of the normal operating limits as determined by the owner:
 - a. amusement parks;
 - b. water parks;
 - c. swimming pools;
 - d. museums and libraries; and
 - e. zoos, aquariums, natural caverns, and similar facilities.
3. All indoor and outdoor professional, collegiate, and similar sporting events, including rodeos and equestrian events, shall remain limited to 50 percent of the normal operating limits as determined by the owner.
4. For any outdoor gathering in excess of 10 people, including rafting, tubing, and related services, other than those set forth above in paragraph Nos. 1, 3, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the County Judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.
5. RESTAURANTS THAT SERVE ALCOHOL:
Restaurant and restaurants that serve alcohol that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.

6. BARS AND SIMILAR ESTABLISHMENTS:

Bars and similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC), and are not restaurants as defined above in paragraph No. 5, may offer on-premises services only as described by this paragraph. A bar or similar establishment may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment since DSHS has certified that Cameron County is no longer in an area with high hospitalizations, and the Cameron County Judge has filed the requisite form with TABC;

Patrons at bars or similar establishments operating under this paragraph may eat or drink only while seated, except that in an establishment that holds a permit from TABC as a brewer, distiller/rectifier, or winery, customers may sample beverages while standing so long as they are in a group of six people or fewer and there is at least six feet of social distancing or engineering controls, such as partitions, between groups.

Where applicable, this 50 percent occupancy limit applies only indoors; the limit does not apply to outdoor areas, events, or establishments, although social distancing and other protocols must be followed.

The use by bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks remains allowed to the extent authorized by TABC.

7. For purposes of this Order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.
8. Staff members are not included in determining operating levels, except for manufacturing services and office workers.
9. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.
10. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
11. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS.

12. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services.
13. People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities 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 HHSC, including minimizing the movement of staff between facilities whenever possible.
14. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.

4. CAMERON COUNTY ESSENTIAL BUSINESS

- a. All persons are encouraged to:
 - i. Conduct essential County business online or via regular mail; and
 - ii. Avoid visiting any County Building/Facility unless absolutely necessary.

5. SEVERABILITY

The sections, paragraphs, sentences, clauses, and phrases of this Order are severable and if any phrase, clause, sentence, paragraph, or section of this Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.

6. INTERPRETATION AND ADDITIONAL TERMS

- a. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor.
- b. All provisions of the Governor's executive orders, either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Order, enforceable and is set forth herein without necessity for the issuance of any further orders.


7. ENFORCEMENT

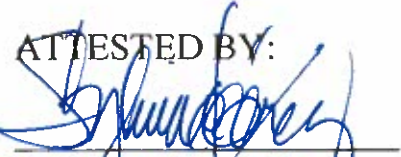
In accordance with the limitations contained in the executive orders of the Governor, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Thirteen Amended Emergency Management Order in accordance with the authority granted under the Texas Disaster Act of 1975 and the Cameron County Emergency Management Plan.

NOTE: IF THE NUMBER OF POSITIVE CASES SPIKES OR SURGES, THE COUNTY JUDGE RESERVES THE RIGHT TO RETURN TO A MORE RESTRICTIVE ORDER.

FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

SO ORDERED this 20th day of February, 2021 at 11:39 a.m.


Eddie Treviño, Jr.
Cameron County Judge

ATTESTED BY:

Sylvia Garza-Perez
Cameron County Clerk

