

**COUNTY OF VAL VERDE
STATE OF TEXAS
OFFICE OF THE COUNTY JUDGE
400 Pecan Street
Del Rio, Texas 78840**

EXECUTIVE ORDER

**THIRD AMENDED
DECLARATION OF LOCAL DISASTER FOR
PUBLIC HEALTH EMERGENCY**

Stay Home • Stay Safe

WHEREAS, pursuant to Texas Government Code §418.108, Val Verde County Judge Lewis G. Owens, Jr. issued a Declaration of Local Disaster for Public Health Emergency on March 16, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, Val Verde County Judge Owens, under the authority granted to the Governor pursuant to Section 418.016 of the Texas Government Code, may use all available local government resources to respond to the disaster and temporarily suspend statutes and rules, including those relating to purchasing and contracting, if compliance would hinder or delay actions necessary to cope with a disaster; and

WHEREAS, on March 16, 2020, Val Verde County Judge Owens issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus; and,

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 16, 2020 Order of County Judge Lewis G. Owens, Jr. be amended;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than ten (10) people;

WHEREAS, on March 18, 2020, the Val Verde County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health

B. Owens
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VAL VERDE COUNTY, TEXAS

Emergency that affirmed the activation of the Val Verde County Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on April 6, 2020, unless rescinded by order of the Commissioners Court;

WHEREAS, on April 2, 2020, Val Verde County Judge Owens issued an Executive Order NUNC PRO TUNC First Amended Declaration of Local Disaster for Public Health Emergency and a Supplement and Amendment to First Amended Declaration of Local Disaster for Public Health Emergency; and

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Second Amended Declaration of Local Disaster for Public Health Emergency that took effect on April 7, 2020, at 12:00 midnight and expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Supplement to Second Amended Declaration of Local Disaster for Public Health Emergency that supplemented, BUT DID NOT REVOKE, the Second Amendment Declaration of Local Disaster that expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Clarifying Order to the Supplement and Addendum to the Second Amended Declaration of Local Disaster for Public Health Emergency that added to and supplemented the Supplement and Addendum to the Second Amended Declaration of Local Disaster for Public Health Emergency that expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Temporary Amendment to Standing Declaration of Local Disaster on April 17, 2020 that took effect at 12:00 midnight on April 21, 2020 and expires upon further order of Val Verde County Judge Lewis G. Owens, Jr.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Third Amended Declaration of Local Disaster for Public Health Emergency

on April ~~20~~¹⁸, 2020 that takes effect at 12:00 midnight on April 21, 2020 and expires on 11:59 p.m. on May 5, 2020.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF VAL VERDE COUNTY, TEXAS:

Under the authority of Texas Government Code §418.108, Val Verde County Judge Lewis G. Owens, JR. ORDERS that the present order replace the expired Executive Order Second Amended Declaration of Local Disaster for Public Health Emergency issued on April 6, 2020 which is incorporated in its entirety with the addition of Section 3(b)(vii) and Section 8 and the renumbering of the Order thereafter. If any provision of this order conflicts with any provision in (a) the Second Amended Declaration of Local Disaster for Public Health Emergency or (b) the Supplement to Second Amended Declaration of Local Disaster for Public Health Emergency, the more stringent provision shall apply.

1. NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF VAL VERDE COUNTY, TEXAS: That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the County Judge.
2. **Effective Tuesday, April 21, 2020 at 12:00 midnight and continuing until 11:59 p.m. on May 5, 2020:**
 - a. All individuals currently living within Val Verde County are ordered to shelter at their place of 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 social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 3.
 - b. All businesses operating within Val Verde County, except Essential Businesses as defined in below in Section 3, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including

maintaining six foot social distancing for both employees and the general public.

- c. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
- d. Restaurants with or without drive-in or drive-through services may only provide take out, delivery, or drive-through services as allowed by law.
- e. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines set out by the U.S. President and CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19 which includes maintaining a distance of at least six feet from another individual.
- f. All elective medical, surgical, and dental procedures are prohibited anywhere in Val Verde County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

3. Definitions:

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to

maintain the safety, sanitation, and essential operation of residences.

- iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- v. To engage in activities relating to the repair or purchase of a motor vehicle.
- vi. To engage in activities relation to the lease or purchase of household appliances and furniture.
- vii. To attend religious services in conformity with this Order.
- viii. To care for a family member or pet in another household.

b. For purposes of this Order, “Essential Businesses” means:

- i. Essential Healthcare Operations. Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 1(f) of this Order.
- ii. Essential Government Functions. All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.

- iii.* Essential Critical Infrastructure. Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached *which includes providing each employee with Personal Protection Equipment appropriate for the services performed.*
- iv.* Essential Retail. Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Liquor stores but only by drive through service. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.
- v.* Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social

- services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
 - vii. Automotive Sales. Automotive dealerships shall establish a procedure by which individuals may visit the dealership for the purchase or repair of a motor vehicle in accordance with this order. The dealerships shall use virtual test drives in lieu of traditional test drives – OR – The dealerships shall use virtual test drives whenever possible but may allow face-to-face test drives if all the parties in the vehicle wear an appropriate face covering. All services shall be performed in compliance with social distancing requirements of six feet and face covering, to the extent possible. Establish controls to require a minimum distance of six feet or more between patrons in lines queuing in front of and inside the establishment, using controls that may include, but are not limited to, placing markers to control the movement of patrons.
 - viii. Household Furniture and Appliance Sales. Household Furniture and Appliance Sales stores, shall establish a procedure by which individuals may visit the store for the purchase of household furniture and appliance sales in accordance with this order. All services shall be performed in compliance with social distancing requirements of six feet and face covering, to the extent possible. Establish controls to require a minimum distance of six feet or more between patrons in lines queuing in front of and inside the establishment, using controls that may include, but are not limited to, placing markers to control the movement of patrons.

- ix. News Media. Newspapers, television, radio, and other media services.
 - x. Childcare Services. Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
 - xi. *The definition of “essential businesses” may change due to changes in the number of individuals testing COVID-19 positive in the county, unforeseen events such as a war, strike, riot, or an act of God which includes, but is not limited to a hurricane, flood, or hail storm. Thereupon, a declaration may be issued by Val Verde County Judge Lewis G. Owens, Jr. specifying the changes in the definition.*
4. Each establishment designated as an essential business in this order shall implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines and each establishment shall provide each employee with Personal Protection Equipment (PPE) appropriate for the services performed.
 5. Each establishment designated as an essential business in this order shall establish controls that require reasonable supervision of minors by the adults accompanying them that include, but are not limited to, appropriate social distancing, restricting access to products and inventory, and appropriate hygiene like covering one’s mouth when coughing or sneezing and using germ killing products whenever possible as outlined in the attachment hereto.
 6. Each establishment designated as an essential business in this order shall limit the number of patrons to five (05) excluding employees.
 7. Grocery stores, supermarkets, warehouse stores, hardware stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Val Verde County for the next 60 days.

8. Due to increased traffic in grocery stores and supermarkets and any retailer that stocks household items for essential use, and to ensure the public health and safety, the establishment of the following routine is hereby ORDERED to:
- a. Establish controls to require a minimum distance of six feet or more between patrons in lines queuing in front of and inside the establishment, using controls that may include, but are not limited to, a requirement that each person in the que possess a shopping cart or by placing markers to control the movement of patrons.
 - b. Establish controls that require reasonable supervision of minors by the adults accompanying them that include, but are not limited to, appropriate social distancing, restricting access to products and inventory, and appropriate hygiene like covering one's mouth when coughing or sneezing and using germ killing products whenever possible as outlined in the attachment hereto.
 - c. Limit shopping to individuals aged 65 and over during a specified date and time **that will be widely publicized by the establishment** to give notice to the public that these hours are in place, and **the establishment shall give notice of the designated date and time to the County of Val Verde and the City of Del Rio**, as well as any other news releasing entity such as newspapers, radio, or social media. *This does NOT prohibit individuals aged 65 and over from shopping at any other time that the establishment is open for business.*
 - d. Limit the number of patrons (excluding employees) as follows:
 - i. HEB located at 200 Veterans Blvd, Walmart located at 2410 Dodson Ave, as well as other qualified establishments that are the same size or larger, shall limit the number of patrons to 100 at any given time.
 - ii. HEB located at 500 Pecan Street as well other as well as other qualified establishments that are the same size or larger, shall limit the number of patrons to 25 at any given time.
 - iii. All other qualified establishments shall limit the number of patrons to 10 at any given time.
 - e. Require all employees who have face to face contact with the public to wear Personal Protective Equipment. ***Provide all employees who have***

face to face contact with the public with PPE. PPE includes face masks and gloves and any other PPE appropriate to prevent spread of the virus.

9. Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first. All sales of bath or toilet tissue occurring in Val Verde County are limited to the greater of: (a) twelve (12) rolls per purchase or (b) one (1) package per purchase.
10. Due to concern over the spread of the COVID-19 virus, door-to-door solicitations or sales are prohibited. Notice is hereby given that, coming onto personal property of another for the purpose of door-to-door solicitations or sales may be considered CRIMINAL TRESPASS and may be prosecuted in accordance with the Texas Penal Code
11. Due to concern over the spread of the COVID-19 virus, all business establishments shall require each employee who has face-to-face contact with the public to wear Personal Protective Equipment. PPE includes face masks and gloves and any other PPE **appropriate to the service provided** that will help prevent spread of the virus.
12. Any **lawful** gathering must comply with social distancing rules and shall be limited to ten (10) or fewer people except as provided in Section 6d.
13. Due to concern over the spread of the COVID-19 virus, any individual (patrons and employees included) in the establishment must wear a face covering as follows:
 - a. FACE COVERING REQUIREMENTS
 - i. The face covering can be scarves (dense fabric, without holes), bandanas, neck, gaiter, or other fabric face coverings.
 - ii. The face covering must be large enough to cover the nose and mouth of the wearer so as to assure the inhale or exhale of oxygen through the mask or covering.
 - iii. The face covering must be worn each time a person leaves his place of residence and remain in place until he returns.

- iv. All individuals five-years-old and older shall wear a face covering at all times except as otherwise specified in the standing declaration of disaster.
- v. The face covering can be scarves (dense fabric, without holes), bandanas, neck, gaiter, or other fabric face coverings.
- vi. As per CDC recommendations, try to avoid purchasing medical grade masks if a shortage of supply exists in Val Verde County to allow health professionals and law enforcement officers access to appropriate Personal Protection Equipment.

A person who knowingly or intentionally violates section 10(a)(i-v) commits an offense, punishable by a fine up to \$1,000 or confinement in jail for a term that does not exceed 180 days.

b. YOU DO NOT NEED TO WEAR A MASK IF:

- i. the only people you anticipate to come in contact with or be in close proximity are members of your own household;
- ii. you are exercising outdoors you are either alone or with members of your household, and you respect the social distancing requirements upon the unexpected approach of a member of the public who is not a member of your household;
- iii. you are in your own home or on your own property;
- iv. you are alone in your office; you are alone or with members of your household in your vehicle;
- v. not wearing a face covering is necessary for purposes of a health emergency or for identification purposes;
- vi. not wearing a face covering is necessary for consumption purposes; or
- vii. you are law enforcement or a first responder who shall utilize their standard operation procedures for the use of this equipment in conformance with policy and practice and as authorized by their agencies.

c. EFFECTIVE USE OF MASK

- i. Each should be worn for only a short period of time and regularly replaced with new ones because of the increased possibility of microscopic holes.

- ii. Face coverings must FULLY COVER both the mouth and the nose.
- iii. Face coverings must be worn consistently and as early as possible.
- iv. Frequent hand washing and other hygienic measures should also be utilized.
- v. Six foot distancing should be utilized, in addition to the requirements set above, whenever possible.

14. Due to the public health emergency, the Office of the Val Verde County Judge hereby advises the Val Verde County Justices of the Peace to **suspend eviction hearings and writs of possession** for at least the next 60 days to prevent renters from being displaced.

15. If someone in a household has tested positive for coronavirus, **all of the members of the household are ordered to isolate at home**. Members of the household cannot go to work, school, any community function or out in public until cleared by the Texas State Department of Health or a local health authority.

16. Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

17. Public and private schools and institutions of higher education are instructed by this order to **provide a safety plan** to the Val Verde County Emergency Management Office 72 hours **before** students return to a classroom setting.

18. A 24-hour curfew shall be imposed on individuals who are 17 years or younger who:

- a. are not in school;
- b. are not accompanied by school personnel, a parent or guardian; or
- c. are not going directly to his/her place of employment or returning from his/her place of employment.

19. This City of Del Rio ordinance that prohibits camping in city parks is hereby adopted as part of this declaration. Camping in county parks is hereby prohibited. Use of the playground equipment in city and county parks is hereby prohibited. Social distancing guidelines shall be observed in any public

space including city and county parks. The city ordinance addressing parks is attached as Exhibit "A."

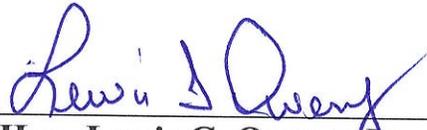
20. The Office of the Val Verde County Judge and the Health Authority instructs all non-essential and sick employees to remain at home. Employees of private businesses and nonprofits with six or more employees in the County of Val Verde can use their paid sick leave when they are sick or to care for sick family members. Val Verde County department heads are instructed to maintain a minimum number of employees to conduct essential business while all others shall be sent home on administrative leave with pay. The Office of the Val Verde County Judge and the County Health Authority instruct all sick Val Verde County employees to remain at home.
21. Texas Commissioned Peace Officers are hereby authorized to enforce this Order. A violation of this Order may be punishable through criminal or civil enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days. A violation of this Order is enforceable by the filing of a probable cause affidavit alleging the criminal violation with the appropriate court, or by issuing a citation to the person violating the Order. **The citation must contain written notice of the time and place the person must appear before a magistrate of this state, the name and address of the person charged, and the offense charged.**
22. The County of Val Verde must promptly provide copies of this Order by posting on the Val Verde 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. 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.

In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this order commits an offense, punishable by a fine up to \$1,000 or confinement in jail for a term that does not exceed 180 days.

THE PURPOSE OF THIS ORDER IS FOR EMERGENCY PROTECTIVE MEASURES, MITIGATION PROCEDURES AND RESPONSE PLANS TO THIS PUBLIC HEALTH EMERGENCY.

IN TESTIMONY, WHEREOF, I have hereunto signed my name and have officially caused the county seal to be affixed at my office in the City of Del Rio, Texas, this the 20th day of April, 2020.

Attested by:



Hon. Lewis G. Owens, Jr.
Val Verde County Judge





Hon. Generosa G. Ramon
Val Verde County Clerk

Filed with the Clerk of Val Verde County on April 21st, 2020.

BY  DEPUTY

GENEROSA UNACIA RAMON
VAL VERDE COUNTY CLERK

2020 APR 21 A 11:58

FILED

City of Del Rio Ordinances Relating to Use of City Parks

Sec. 19.5-46. - Camping prohibited.

Unless otherwise authorized in writing by the city manager, it shall be unlawful for any person in a park to camp in any area of such park or to otherwise set up tents, shacks or any other temporary shelter for the purpose of such camping.

Camping remains prohibited. City Manager Matt Wojnowski must authorize camping in writing and he has not authorized camping as required by the ordinance Sec. 19.5-46.

BY  DEPUTY
GRACIA-RAMON
VAL VERDE COUNTY CLERK

2020 APR 21 A 11:59

FILED