



Aurelio Guerra, Jr.

Willacy County Judge

576 W. Main Ave, Room 152, Raymondville, Texas 78580

March 26, 2020

THIRD SUPPLEMENTAL EMERGENCY MANAGEMENT ORDER WITH MANDATORY COUNTYWIDE SHELTER IN PLACE

WHEREAS, in conjunction with the National Emergency Declaration issued by President Trump and Governor Abbott's Declaration of Disaster on March 13, 2020, and out of an abundance of caution to limit or reduce the spread of COVID-19 to Willacy County;

WHEREAS, it is necessary to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible;

WHEREAS, despite the current state of public health crisis, people will need to leave self-isolation to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuity of social and commercial life. As such, persons should at all times as reasonably possible comply with Social Distancing Requirements as defined by the Centers for Disease Control;

WHEREAS, the County Judge has consulted with the Willacy County Emergency Management Team, and the Mayors and School Board Superintendent representative of each city and school within Willacy County and state health officials;

THEREFORE, the County Judge in his authority pursuant to the Texas Government Code § 418 et seq. hereby issues the following Third Supplemental Emergency Management Order with Mandatory Countywide Shelter in Place in his capacity as Willacy County Judge with the advice and consent of Commissioners Court;

FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMEDIATE THREAT TO PUBLIC HEALTH:

SHELTER IN PLACE

Except as otherwise directed in this order, all individuals currently living within Willacy County, Texas SHALL SHELTER AT THEIR PLACE OF RESIDENCE FOR A PERIOD OF 14 DAYS. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Order prohibits the gathering of members of a household or residence, which includes hotels, motels, share rental units, shelters, and similar facilities.

ESSENTIAL TRAVEL

All travel is prohibited except for Essential Travel that is identified herein:

- 1) This Order allows travel into or out of the County to perform Essential Personal Activities, Healthcare Operations, operate Essential Businesses, or maintain Essential Governmental Functions and Essential Infrastructure Operations.
 - a) Individuals engaged in any Essential Travel shall comply with all Social Distancing Requirements.
 - i) "Essential Travel" includes travel for any of the following purposes:
 - (1) Any related to the provision of or access to Essential Personal Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations as stated in this Order;
 - (2) Travel to for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - (3) Travel to or from educational institutions for purposes of receiving materials for distance learning for receiving meals, and any other related services;
 - (4) Travel to return to a place of residence from outside the jurisdiction;
 - (5) Travel required by law enforcement or court order; and
 - (6) Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to that their transportation out of the County remains available and functional prior to commencing such travel.
 - b) Public Transit:
 - i) Public Transit may only be used for purposes of performing:
 - (1) Essential Personal Activities; or
 - (2) To travel to and from work
 - (a) To operate Essential Businesses; or
 - (b) Maintain Essential Governmental.
 - ii) To the greatest extent feasible people riding on public transit shall comply with Social Distancing Requirements.
 - (i) "Social Distancing Requirements" means:
 - (a) includes maintaining at least six-foot social distancing from other individuals;
 - (b) washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer;
 - (c) covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces; and
 - (d) not shaking hands.

If someone in the household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school or any other community function.

To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence.

People at high risk of illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order, "people at high risk of severe illness from COVID-19" are people who meet the CDC definition of higher risk.

All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements including customers standing in line.

The shelter in place mandate does not apply to the person(s) engaging in the following activities:

1) Essential Personal Activities

- a) "Essential Personal Activities" means:
- i) To engage in activities or perform tasks to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home, except that gyms and fitness centers will remain closed, as previously ordered;
 - ii) To obtain necessary services or supplies for themselves and their household members, and pets, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet food and supply, fresh meats, fish, and poultry, 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, such as, by way of example and without limitation, walking, hiking, biking, or running;
 - iv) To perform work providing essential products and services at an Essential Business or to otherwise carry out specifically in this Order, including Minimum Basic Operations; and/or
 - v) "Minimum basic operations" means operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
 - vi) To care for family member or pet in another household.

2) Obtaining Healthcare Operation Services

- a) "Healthcare Operations" means:
- i) A health care provider or facility including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, and veterinary care and all healthcare services provided to animals.
 - ii) "Healthcare Operations" does not include fitness and exercise gyms or similar operations/facilities.

3) Performing Essential Infrastructure Operations

- a) "Essential Infrastructure Operations" means:
- i) any services or performance work to the operations and maintenance of public works construction of housing, airport operations, water, sewer, gas, electrical, oil refining,

roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems and support (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure communications, and web-based services).

- ii) To the extent possible, such operations and operators shall carry out those services or work, in compliance with Social Distancing Requirements.
- iii) Transportation, maintenance, repairs of all transportation related equipment including but not limited to vehicles.

4) Performing or Accessing Essential Governmental Functions

a) "Essential Government Functions" means:

i) duties, operations, or functions performed by:

- (1) First responders,
- (2) Emergency management personnel,
- (3) Emergency dispatchers,
- (4) The Willacy County District Attorney, her assistants, and staff,
- (5) Court personnel,
- (6) Law enforcement personnel,
- (7) School Personnel to include and limited to essential staff as identified by individual school systems. Said person(s) are authorized to leave their residence for the purpose of carrying out established protocols for meal and instructional packet distribution or pickup.
- (8) Families of school aged children for the limited purpose of obtaining meal and instructional packets for their children from their local school systems; and
- (9) Others who the County Judge deems necessary to perform essential services.
- (10) Due to the public health emergency the Office of the Willacy County Judge hereby advises:

(a) To the extent allowed by law and in accordance with the orders issued by the Texas Supreme Court, no trial, hearings or other proceeding may be held by landlords attempting to evict a tenant for lack of payment for the next 30 days, or longer if extended by further orders, to prevent the displacement of occupants during the public health emergency.

(b) To the extent allowed by law, all foreclosure proceedings within Willacy County shall be suspended for the next 30 days, or longer if extended by further orders, to prevent the displacement of occupants during the public health emergency.

- b) Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions.
- c) All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements, to the extent possible.

5) To Operate Essential Businesses

a) "Essential Businesses" means and/or includes:

- i) Healthcare Operations and Essential Infrastructure Operations;

- ii) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet food and supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii) Agriculture, food, and beverage cultivation, processing, and distribution, including but not limited to, fanning, ranching, fishing, dairies, creameries, distilleries and breweries in order to preserve inventory and production (not for retail business);
- iv) Businesses that are necessary to supply agriculture, food, and beverage cultivation, processing, and distribution;
- v) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vi) Newspapers, television, radio, and other media services;
- vii) Gas stations and auto-supply, auto-repair, and related facilities;
- viii) Banks and related financial institutions;
- ix) Hardware stores;
- x) Plumbers, electricians, exterminators, HVAC repairs and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Personal Activities, and Essential Businesses;
- xi) Landscaping and pool cleaning services;
- xii) Businesses providing mailing and shipping services, including post office boxes;
- xiii) Laundromats, dry cleaners, and laundry service providers;
- xiv) Restaurants and other related facilities are subject to the following restrictions:
 - (1) May only prepare and serve food for drive-thru, delivery, or carry out;
 - (2) May not operate later than 11 p.m.;
 - (3) Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that:
 - (a) the food is provided to students or members of the public on a pick-up and take-away basis only; and
 - (4) those providing food shall not permit food to be eaten at the site/location where it is provided;
- xv) Businesses that supply products needed for people to work from home;
- xvi) Businesses that supply other businesses with the support or supplies necessary to operate;
- xvii) Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xviii) Airlines, taxis, and other private transportation for hire that provide transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix) Home-based care for seniors, adults, or children;
- xx) Residential facilities and shelters for seniors, adults, and children;

- xxi) Professional services, such as legal or accounting services, when necessary to assist in compliance with mandated activities;
 - xxii) Funeral homes;
 - xxiii) Child care and Adult daycare facilities will remain closed, as previously ordered.
 - xxiv) Pawnshop, Title Loan and Personal Loan businesses for the purposes of providing cash loan service.
- b) Except for Essential Businesses, all operating businesses located within, or using a facility in Willacy County shall cease all business activities other than minimum basic operations.
 - c) For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i) The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and/or
 - ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

All School districts are hereby directed to adopt meal and instructional packet distribution protocols to be implemented simultaneously to minimize the need for families to leave their residence on multiple occasions.

PUBLIC FOOD DISTRIBUTIONS

Only food pantries, food banks, and businesses that currently ship or deliver groceries, food, goods or services directly to residences, or that provide food for economically disadvantaged or otherwise needy individuals are allowed to conduct handle, arrange, or organize any public food distributions of any kind in Willacy County. Other businesses, business organizations, private individuals, entities, or charitable organizations are NOT allowed to conduct, handle, arrange or organize public food distributions without the express written approval of the Willacy County Judge at least 24 hours in advance.

PRICE CONTROLS

A person and/or business shall not sell any goods or service, including but not limited to the following, for more than the price the person charged for the goods or services on March 18, 2020:

- 1) groceries, beverages, toilet articles, ice
- 2) construction and building materials and supplies, and earthmoving equipment and machinery
- 3) electrical and gas generating and transmission equipment, party and accessories 4) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns
- 5) hand tools (manual and power), hardware and household supplies, and equipment rental
- 6) automotive parts, supplies, and accessories
- 7) plumbing and electrical tools and supplies
- 8) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental
- 9) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants
- 10) restaurant, cafeteria, and boarding-house meals

- 11) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies
- 12) medicine, pharmaceutical, and medical equipment and supplies
- 13) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, and toilet paper
- 14) furniture and clothing

The restrictions made herein, shall not be interpreted as depriving the Texas Attorney General or the Willacy County District Attorney Office from prosecuting any action under the Texas Deceptive Trade Practices Act or any other law of this State.

INCORPORATION AND CONFLICTS

This Order is issued in accordance with, and incorporates by reference, the National Emergency Declaration, Governor Abbott's Declaration of Disaster, the Willacy County Disaster Declaration, the Emergency Management Orders and Recommendations and all subsequent related orders and guidance from these authorities. This Order is a supplement to all previous orders and not in place of such. In the event of a conflict or apparent conflict between the orders, this Order shall control.

This Order comes after the release of substantial guidance from the Texas Department of Health Services, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Willacy County Judge, in consultation and communication with the Willacy County Commissioners Court, other local elected leaders, and will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19 as may be necessary.

If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

ENFORCEMENT

Violation of this Order constitutes an imminent threat to public health. The Sheriff, all Chiefs of police in the County, command staffs of State Law Enforcement Agencies Operating in the County, and other peace officers are hereby requested to assist to ensure compliance with and enforce this Order.

PENALTIES

A person that fails to comply with this Order may be assessed a fine not to exceed \$1,000 per violation or confinement in jail for a term not to exceed 180 days in jail. This does not limit or curtail additional civil or criminal penalties under the Texas Health and Safety Code, the Texas Penal Code, or any other applicable law of the State of Texas.

This Order shall become effective at 11:01pm on Thursday, March 26, 2020 and will continue to be in effect until 10:59pm on Thursday, April 9, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Willacy County Judge.

Issued this 26th day of March, 2020 at 3:00 p.m.



Aurelio Guerra
Willacy County Judge