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CARROLL GERBER
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**SECOND AMENDED ORDER
DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH
EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, on March 17, 2020, stating that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Castro County, the Judge of Castro County issued a proclamation declaring a state of disaster for Castro County, Texas; and

WHEREAS, on March 23, 2020, the Castro County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Castro County Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on April 23, 2020, unless rescinded by order of the Commissioners Court; and

WHEREAS, on March 24, 2020, the Judge of Castro County issued an Amended Order Declaring a Local Disaster Due to Public Health Emergency and requiring that Castro County Residents Stay at Home, and

WHEREAS, on March 31, 2020, the Governor of the State of Texas issued an executive order extending Social Distancing Guidelines and allowing only essential business and travel in the State of Texas until April 30, 2020, and

WHEREAS, the Governor has acknowledged that cities and counties may need to enact

more stringent measures to address this public health emergency; and

WHEREAS, the number of confirmed cases of COVID-19 in Castro County and Texas continues to grow; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code;

NOW THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE OF CASTRO COUNTY:

SECTION 1. That this Second Amended Order of Local Disaster Due to Public Health Emergency shall be given prompt and general publicity and filed with County Clerk.

SECTION 2. That I, Carroll Gerber, County Judge of Castro County, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19;

SECTION 3. That all individuals currently living in Castro County, Texas, are ordered to SHELTER AT THEIR PLACE OF RESIDENCE, i.e. STAY AT HOME. 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 outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined below.

SECTION 4. That all businesses with a facility in Castro County, except Essential Businesses as defined below, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are encouraged to determine essential staff necessary to operate and send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

SECTION 5. All Non-essential businesses and meeting spaces are ORDERED to cease operation and close. In accordance with the Guidelines from the Governor, the President and the CDC, the following commercial businesses, for which social distancing guidelines are impractical and impossible, are hereby prohibited and are ordered to cease operation and close:

- a. Non-essential Personal Service Businesses. Businesses which engage in direct, person-to-person services to the public which are not time-sensitive and which are not required for the immediate health or safety of the recipient, including, without limitation, hair salons, barbershops, hair stylists, nail salons, tattoo parlors, piercing businesses, tanning salons, and hair removal waxing businesses;
- b. Non-essential Retail Establishments. Retail businesses which do not primarily sell or provide the products or services described below and considered an Essential Business or Service;
- c. Commercial Amusement and Entertainment Venues;
- d. Enclosed Shopping Malls;
- e. Group Meeting Spaces. Meeting rooms, ballrooms, or event spaces.

SECTION 6. Retail Establishments – Other Businesses. Retail Establishments and other businesses not specifically described above as Essential are closed to the public. However, all businesses may continue operations consisting exclusively of the following activities, and are encouraged to do so, provided federal and CDC guidelines are followed, including affirmative steps to ensure that social distancing of 6 feet is maintained between all employees and members of the public:

- a. The use of drive-through pickup, home delivery, and curbside delivery for merchandise;
- b. Working remotely from home;
- c. Operations necessary to maintain security, payroll, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
- d. IT or other operations that facilitate employees working remotely from home;
- e. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
- f. In-store repair services performed by employees in a store or facility closed to the public.

SECTION 7. Public Parks. Park amenities such as playgrounds, basketball courts, tennis courts, baseball fields, athletic fields for group sports, skate parks, group pavilions or any area in a public park that is either entirely or partially enclosed and designed to concentrate people participating in an activity to one specific defined or delineated area or by their inherent nature do not allow social distancing are hereby CLOSED. The remaining areas of public parks including walking trails and bike paths and other open areas are open to the public and may be used by the public so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained. All golf courses located within Castro County remain open so long as individuals either walk the course or ride in a golf cart without any riding companions and so long as patrons follow federal and CDC guidelines including ensuring that social distancing of 6 feet is maintained.

SECTION 8. 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 below. Nothing in this Order prohibits the gathering of members of a household or living unit.

SECTION 9: 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, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing.

SECTION 10. All travel, except Essential Travel and Essential Activities as defined below, is prohibited. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 11. Definitions and Exemptions.

Essential Activities.

For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities:"

- 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 (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.

- To obtain necessary services or supplies for themselves and their family or household members, 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 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.
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle.
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- To care for a family member or pet in another household.

However, people at high risk of severe 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.

Healthcare Operations

For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, 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 healthcare services provided to animals.

This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

Essential Infrastructure

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, 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), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order.

Essential Governmental Functions

Nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible.

Essential Businesses

For the purposes of this Order, "**Essential Businesses**" means:

- **Healthcare Operations and Essential Infrastructure;**
- **Essential Retail.** Including, grocery stores, farmers' markets that sell food products and household staples, 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 supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products); and liquor stores. This definition 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;
- **Food cultivation.** Including farming, livestock, and fishing;
- **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;
- **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 and maintenance, warehouse/distribution and fulfillment, storage for essential businesses. 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. Businesses that supply other essential businesses with the support of supplies needed to operate.
- **Professional services.** Legal services, accounting services, engineers, title companies, insurance agents and other licensed professionals.
- **Vehicle fueling, maintenance, and repair facilities;**
- **News Media.** Newspapers, television, radio, and other media services;
- **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted;
- **Banks and related financial institutions;**
- **Homeless shelters providing services for people experiencing homelessness;**
- **Non-profit providers of essential services;**
- **Essential government services and facilities;**
- **Residential buildings, including hotels and motels (except group meeting and event spaces);**

- **Manufacturing, distribution and logistics facilities;**
- **Laundromats and dry cleaners;**
- **Funeral homes, crematoriums and cemeteries and funeral services provided social distancing of 6 feet and groups of less than 10 are maintained;**
- **Restaurants and other facilities that prepare and serve food.** BUT, only for delivery, drive through or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.
 - **Note:** Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready---with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering also will cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This rule also applies to food trucks;

Minimum Basic Operations

For the purposes of this Order, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined below, to the extent possible, while carrying out such operations:

The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and

The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Essential Travel

For the purposes of this Order, "**Essential Travel**" includes travel for any of the following purposes:

Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;

Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

Travel to return to a place of residence from outside the jurisdiction;

Travel required by law enforcement or court order; or

Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

Social Distancing Requirements

For purposes of this Order, "**Social Distancing Requirements**" includes maintaining at least six (6) foot social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home

When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in this Order.

SECTION 12. 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 Castro County are limited to the greater of: (a) twelve (12) rolls per purchase or (b) one (1) package per purchase.

SECTION 13. Due to the public health emergency, the Office of the Castro County Judge hereby advises Castro County Justice of the Peace to suspend eviction hearings and writs of possession for at least the next 60 days to prevent renters from being displaced.

SECTION 14. If someone in a household has tested positive for COVID-19, ALL persons in the household are ORDERED to isolate at home and self-quarantine for a period of at least 14 days. Members of the household cannot go to work, school, or any other community function.

SECTION 15. Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, shortness of breath, is hereby ORDERED to SHELTER AT THEIR PLACE OF RESIDENCE, i.e. STAY AT HOME, until such time that:

- a. He or she has had no fever for at least 72 hours without the use of fever reducing medicine, such as Tylenol; and
- b. His or her other symptoms have improved; and
- c. At least 14 days have passed since the symptoms first appeared.

SECTION 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.

SECTION 17. Additionally, the Office of the Castro County Judge instructs all employees to remain at home if sick.

SECTION 18. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 19. That a violation of this order shall be punishable pursuant to Texas Government Code §418.173. A violation of this order shall be punishable as a misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), or confinement in jail for a term up to 180 days, and each day a violation exists shall be a separate offense. This Order also authorizes the use of any other lawfully available enforcement tools.

SECTION 20. Peace officers, the Castro County Sheriff's Department, the Dimmitt Police Department, the Dimmitt Code Enforcement, the Dimmitt Independent School District Police Department, are hereby authorized to enforce this order.

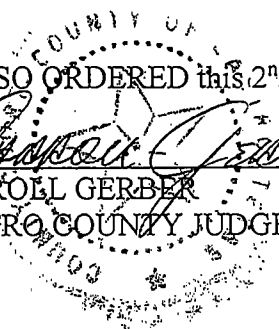
SECTION 21. Castro County must promptly provide copies of this Order by posting it on the Castro County Website and filing it with the County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

SECTION 22. 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.

SECTION 23. That this order remains in effect from 11:59 p.m., April 3, 2020, until 11:59 p.m., April 23, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

IT IS SO ORDERED this 2nd Day of April, 2020.


CARROLL GERBER
CASTRO COUNTY JUDGE



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JUANITA BLANCO
CASTRO COUNTY/DISTRICT CLERK

Go to website for
complete Declaration

www.co.castro.tx.us

Declaration of Local Disaster Due to Public
Health Emergency