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CARROLL GERBER
County Judge
Castro County, Texas

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**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Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on April 3, 2020, unless rescinded by order of the Commissioners Court; and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 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. 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 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 6: 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 7. 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 8. 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, 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. Businesses that supply other essential businesses with the support of supplies needed to operate.
- **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.

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

SECTION 10. 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 11. If someone in a 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.

SECTION 12. 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 13. Additionally, the Office of the Castro County Judge instructs all employees to remain at home if sick.

SECTION 14. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 15. That a violation of this order shall be a Class C 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 16. 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.

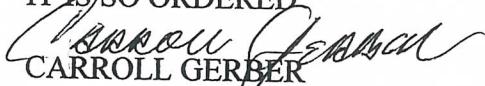
SECTION 17. Castro County must promptly provide copies of this Order by posting it on the Courthouse doors and filing with the County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

SECTION 18. 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 19. That this order remains in effect from 11:59 p.m., March 24, 2020, until 11:59 p.m., April 3, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

SECTION 20. That this order shall take effect immediately from and after its issuance.

IT IS SO ORDERED


CARROLL GERBER
CASTRO COUNTY JUDGE

FILED FOR RECORD
2020 MAR 24 AM 11:37
JOANNA BLANCO
CASTRO COUNTY/DISTRICT CLERK