



**ORDER NO. 8
BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS**

DATE ORDER ISSUED: April 29, 2020

WHEREAS, in December 2019, a novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 was identified; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency and the El Paso County Judge issued a Declaration of Local Disaster for Public Health Emergency pursuant to Texas Government Code Section 418.108; and

WHEREAS, the City of El Paso Department of Public Health Authority has issued various COVID-19 Prevention Orders in an effort to mitigate and slow down the spread of disease in El Paso County; and

WHEREAS, on March 19, 2020, the El Paso County Commissioners Court issued an Emergency Order extending the County's state of disaster and instituting emergency measures due to a public health emergency until terminated by order of the El Paso County Commissioners Court; and

WHEREAS, the County's Emergency Order authorizes the Emergency Management Director or designee to update, restrict, and promulgate regulations necessary to comply with Federal, State and Local authorities' guidance in relation to COVID-19; and

WHEREAS, pursuant to Texas Government Code §418.1015(a), the County Judge serves as the office of emergency management director for the County of El Paso (the "County"); and

WHEREAS, Texas Government Code, Chapter 418 authorizes the emergency management director to issue Orders, which are necessary for the protection of life and property in the County; and

WHEREAS, on March 24th, 2020, the County Judge issued Local Emergency Order No. 7, more commonly known as the "Work Safe, Stay Home Order"; and

WHEREAS, on March 28, 2020, the Director of Cybersecurity and Infrastructure Security Agency issued a Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response which states that local governments are responsible for implementing and executing response activities and that officials should use their own judgment in issuing implementation directives and guidance; and

WHEREAS, on March 31, 2020, the Governor of the State of Texas issued Executive Order No. GA-14 (“GA-14”) implementing Essential Services and Activities Protocols for the entire State of Texas and expressly adopting the U.S. Department of Homeland Security’s March 28, 2020 Guidance on the Essential Critical Infrastructure Workforce Version 2.0, which provided a list of critical infrastructure sectors, workers, and functions that could continue as “essential services” during the COVID-19 response; and

WHEREAS, on April 1, 2020 the County Judge issued the First Amendment to Order No. 7 to strengthen the restrictions already in place in its “Work Safe, Stay Home Order”; and

WHEREAS, on April 10, 2020 Governor Abbott singled out El Paso and declared that El Paso is seeing a “completely different type” of trend in comparison to other parts of the State when it comes to COVID-19, noting that, “Clearly, El Paso is still in an uptrend right now”; and

WHEREAS, on April 15, 2020 the Local Health Authority issued a stark warning that El Paso County’s number will continue to increase if the community does not stay home, practice social distancing and wear recommended face coverings in public; and

WHEREAS, on April 16, 2020, the Governor of the State of Texas issued Executive Order Numbers 15, 16, and 17 (“GA-15, 16, and 17, respectively), which superseded GA-14 and which strives to incrementally re-open the Texas economy with guidance from healthcare and business leaders; and

WHEREAS, GA-16, which is set to expire on April 30, 2020, supersedes any conflicting order issued by local officials in response to the COVID-19 disaster but only to the extent that such a local order restricts “Retail to Go” allowed by GA-16 or allows gatherings prohibited by GA-16; and

WHEREAS, GA-18 suspends Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other

relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with GA-18, provided that local officials may enforce GA-18 as well as other local restrictions that are consistent with GA-18; and

WHEREAS, Section 418.1015(b) of the Texas Government Code authorizes the emergency management director to serve as the Governor’s designated agent in the administration and supervision of duties under Chapter 418 of the Texas Government Code and exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, El Paso County is uniquely situated on the border of Chihuahua, Mexico and the State of New Mexico which are continuing to experience an increase in their number of positive cases and COVID-19 related deaths; and

WHEREAS, as of April 28, 2020 El Paso County has 857 confirmed COVID-19 cases and 14 confirmed deaths; and

WHEREAS, on April 23, 2020 the 2nd Amendment to the County Judge Order was issued to outline face covering requirements and set guidelines for Retail to Go; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order Number 18 (“GA-18”) relating to the expanded reopening of services; and

WHEREAS, Governor Abbott declared that GA-18 supersedes GA-16; and

WHEREAS, the County Judge now desires to issue Order No. 8 to align with the Governor’s Order and such Order shall read as follows:

NOW THEREFORE, I, COUNTY JUDGE FOR EL PASO COUNTY, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. Minimize In-Person Contact Effective Friday, May 1, 2020 at 12:01 a.m. MDT and pursuant to the Governor’s Executive Order GA-18, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. **See Exhibit A**, Minimum Standard Health Protocols for All Individuals. People over the age of 65, however, 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 home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation. **See Exhibit B**, Special Guidance for Texans Over 65

- a. **Social Distancing Requirements.** To the extent individuals are using shared or outdoor spaces, they shall to the greatest extent feasible, maintain Social Distancing of at least six feet from any person who is not from the same household, consistent with the Social Distancing Requirements as defined in this Section. For purposes of this Order Social Distancing Requirements include maintaining at least six-foot Social Distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- b. **Face Covering Recommendations:** Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person’s nose and mouth is necessary to help slow the spread of the virus. When leaving one’s residence, all persons over the age of two (2) are strongly urged to wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, except when:
 - i. alone in a separate single space, whether indoor or outdoor,
 - ii. in the presence only of other members of one’s household or residence whether inside or outside the residence
 - iii. when doing so poses a greater mental or physical health, safety, or security risk, or
 - iv. when engaged in outdoor activity as defined in Section 5.a.iii. below. **See Exhibit C** for further guidance on Face Coverings.

Parents and guardians of children over the age of two (2) should appropriately mask their children when outside their residence.

All non-residents in nursing homes, state-supported living centers, assisted living facilities, and long-term care facilities shall wear a fabric face covering as provided for by this Order (Face Covering).

Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand-washing, as these remain important steps to slowing the spread of the virus.

SECTION 2. Restricted Activities

- a. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities are to minimize the movement of staff between facilities whenever possible and limit unnecessary visitors as determined through the Governor’s Report to Open Texas. **See Exhibit D, Recommendations for Nursing Facilities**

- b. The following describes outdoor areas and activities that are closed and therefore restricted throughout El Paso County: all parks, pools, and recreation areas and facilities including County tennis courts and basketball courts, hike and bike trails, any use of the area known as “Red Sands” located near 15698 Montana Avenue, the area near Socorro Independent School District Student Activities Complex (“SAC”) located near 1300 Joe Battle Boulevard; all to include the use of any type of recreational vehicle at any outdoor area listed in this paragraph. For clarity, County parks will remain closed except for use of designated walking paths that exist adjacent to streets, parks, or within parks. Furthermore, the use of all private and public golf courses and private tennis courts, County handball courts, fishing and kayaking is permitted provided that the guidelines as outlined in **Exhibit E and Exhibit F** are followed.

Due to limited staffing, weather conditions and continuing construction projects, Governor Abbott announced that some State parks, including the Franklin Mountains State Park and Hueco Tanks State Park and Historic Site shall remain closed until further directed.

- c. As outlined in Governor Abbott’s executive order GA-18, individuals may engage in outdoor sports, provided that the sports **do not include** contact with other participants, and **no more than four participants** play the sport at any time. Please note, under executive order GA-18, **individuals shall avoid public swimming pools**. See **Exhibit F**, Minimum Standard Health Protocols for Outdoor Sports Participants
- d. Bars, gyms, public and private club swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons **shall remain closed, except to carry on Minimum Basic Operations as defined in this Order**.

SECTION 3. Travel. People riding on public transit shall comply with Social Distancing Requirements and are encouraged to comply with Face Covering provisions as defined in this Order. Notwithstanding anything to the contrary, if someone in a household has tested positive for COVID-19, or is awaiting results of a COVID-19 test, the household is ordered to self-isolate. Members of the household cannot go to work, school or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities. Individuals experiencing homelessness who have tested positive for COVID-19, or are awaiting results of a COVID-19 test, pursuant to the control measures ordered by the El Paso Public Health Authority, shall be required to comply with the orders to stay isolated.

SECTION 4. Re-Opening of Businesses and Retail to Go

- a. **Reopening of Businesses.** “Reopened services” **shall** consist of the following to the extent they are not already “essential services”
 - 1. Retail services that may be provided through pick-up, delivery by mail, or delivery to the customer’s doorstep.
 - 2. Starting at 12:01 a.m. on Friday, May 1, 2020, the below may operate as follows:
 - a. In store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment. See **Exhibit G**, Minimum Standard Health Protocols for Retailers and Retail Customers
 - b. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking. See **Exhibit H**, Minimum Standard Health Protocols for Restaurants and Restaurant Customers.

- c. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening. **See Exhibit I**, Minimum Health Standard Protocols for Movie Theaters and Movie Theater Customers
 - d. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the **food court dining areas, play areas, and interactive displays and settings must remain closed**, until further ordered or directed.
 - e. All public museums and public libraries throughout El Paso County shall remain closed.
 - f. Services provided by any individual working alone in an office. **See Exhibit J** for Minimum Standard Health Protocols for Single-Person Offices
 - g. Golf course operations. **See Exhibit E** for Guidance on Golf Course Operations
 - h. Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document filing services, as determined by the local government.
 - i. Such additional services as may be enumerated by future executive orders or proclamations by the governor.
- b. **Retail to Go.** To the extent possible, businesses are encouraged to continue Retail to Go services and to follow minimum standard health protocols as outlined in **Exhibit G**.

SECTION 5. Essential Services

1. **Healthcare Operations.** For purposes of this Order, individuals may continue to work for or obtain services at any “Healthcare Operations” including hospitals, outpatient care centers, offices of other healthcare practitioners, medical and diagnostic laboratories, other ambulatory healthcare services, general medical and surgical hospitals, specialty hospitals, medical research, laboratory services, nursing care facilities, residential facilities for individuals with an intellectual disability, mental health or substance abuse treatment, psychiatric and substance abuse providers, vocational rehabilitation services, assisted living centers, hospice providers, clinics, physical and occupational therapy offices, pharmacies, research, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, dentists, and related retail sales or any related and/or ancillary healthcare services. “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. **“Healthcare Operations” does not include fitness and exercise gyms or other similar facilities.** This Order shall not act to impede Governor Abbott’s Executive Order GA-19 issued on April 27, 2020 relating to hospital capacity during COVID-19 disaster. All Healthcare Operations Employers are required to: train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed

criteria; have all employees wash or sanitize hands prior to entering the businesses; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another.

2. Critical Infrastructure

i. For purposes of this Order, individuals may continue to provide any services or perform any work necessary to the operations and maintenance of “Critical Infrastructure,” including, but not limited to, public works construction personnel and personnel listed on version 3.0 of the Department of Homeland Security’s Cybersecurity and Infrastructure Agency (CISA) list of “Essential Critical Infrastructure Workers,” as amended. Critical Infrastructure businesses and operations, are required to: train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed criteria; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least feet of separation from one another.

ii. The following also constitute critical infrastructure: airport operations, water, sewer, gas, electrical, oil refining, oil and gas extraction, coal mining, metal ore mining, nonmetallic mineral mining and quarrying, roads and highways, public transportation, solid waste collection and removal, hazardous material removal, internet, cable, wireless 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 that work in compliance with Social Distancing Requirements as defined in this Order, to the extent possible. This also includes wired telecommunication carriers, wireless telecommunications carriers (except satellite), telecommunications resellers (except retailers selling devices at physical locations are not permitted), satellite telecommunications, cable and other program distribution, other telecommunications, data processing, hosting and related services, and other information services.

3. Construction Activities. The following types of construction activities are permitted and include, but are not limited to: residential and commercial construction, non-residential building construction, heavy and civil engineering, foundation, structure, and building exteriors contractors, building equipment contractors, and building finishing contractors. This Order shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency’s (“CISA”) Guidance on the Essential Critical Infrastructure Workforce, version 3.0, as amended, to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated here by reference.

All employers involved in construction activity must institute or comply with the following at job sites:

- a. Comply with Social Distancing Requirements
 - b. Ensure all employees wear a face covering while at work;
 - c. Institute staggered shifts;
 - d. Train employees on environmental cleaning and disinfection, hand hygiene and respiratory etiquette;
 - e. Provide one (1) working flushing toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every ten (10) workers on site;
 - f. Provide onsite handwashing stations and portable restrooms stocked with hand soap and/or hand sanitizer with at least 60% alcohol;
 - g. Mandate handwashing of at least twenty (20) seconds for workers during the following:
 1. Before workers begin work;
 2. After workers remove gloves;
 3. Before and after the use of shared items such as tools or multi-user devices;
 4. Before and after any meal or restroom breaks; and
 5. After a worker's shift or work time ends.
 - h. Provide mandatory rest breaks of at least fifteen (15) minutes for every four (4) hours worked so workers may follow hygiene guidelines;
 - i. Take no adverse action against an employee who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus;
 - j. Perform mandatory screenings before a worker leaves home. If a worker has a new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19, then they are prohibited from going to work and must remain at home.
 - k. Limit crossover of subcontractors;
 - l. Prohibit gatherings during meals or breaks;
 - m. Keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;
 - n. Do not use a common water cooler. Provide individual water bottles or instruct workers to bring their own;
 - o. Allow non-essential personnel to work from home when possible; and
 - p. Designate a COVID-19 safety monitor on each site who has the authority to enforce these provisions.
 - q. If possible, provide OSHA's COVID-19 training to all employees.
- 3. Religious Services.** For the purposes of Executive Order GA-18 the following is considered an "Essential Service." "Religious services conducted in churches, congregations, and houses of worship," and any other services as approved by the Texas Division of Emergency Management. Pursuant to Executive Order GA-18, religious services should be conducted in accordance the Governor's and Texas Attorney General's

joint Guidelines for Houses of Worship During the COVID-19 Crisis. See Exhibit K for Minimum Standard Health Protocols for Churches/Places of Worship

For the health of the community, the County strongly urges congregations and religious leaders to perform all services remotely and abide by all applicable CDC guidelines, which may include cancellation of faith-based gatherings of any size during a “Substantial” level of community transmission as defined by the CDC.

SECTION 6. Essential Government Functions. For purposes of this Order, all civilian Police and Sheriff employees, sworn Police officers, or Sheriff Detention Officers or Deputies, Fire Department, and Emergency Medical Services personnel (“First Responders”), ambulance drivers, emergency management personnel, persons authorized by the Emergency Management Director to assist in the providing for the health, safety, or welfare of the public; emergency dispatch operators, communicators and floor managers; City or County public health workers; prison or jail personnel; City or County animal control employees; public transportation workers; court personnel, child protection and child welfare personnel, military personnel, personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, personnel working for companies, and their subcontractors, who perform work under contract to County, City, State and Federal Governmental Entities for which they are required under state or federal law to remain open; law enforcement personnel, housing and shelter personnel, and others working for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Order.

For purposes of this Order, “Essential Government Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and all agencies that provide for the health, safety and welfare of the public. Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order. Essential Government employers are required to train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another.

SECTION 7. Essential Businesses. All Essential Businesses, as defined this Section, are strongly encouraged to remain open. Essential Businesses that remain open must comply with Social Distancing Requirements, including in the parking lot of the Essential Business. All Essential Businesses should limit customer and staff gatherings and establish sufficient spacing for individuals queuing inside and outside of the business. Essential Business employers are required to train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette; screen

employees before coming into the work facility for new or worsening cough, shortness of breath, difficulty breathing, chills, repeated shaking with chills, muscle pain, headaches, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had a known close contact with a person who is lab-confirmed to have COVID-19; send home any employees that meets the previously listed criteria; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another. Furthermore, this Order requires all public facilities providing groceries, home improvement items, animal and household supplies, or pharmaceutical supplies to (a) provide hand sanitizer at all entry points (b) provide a process to ensure sanitized wipe down of all handles for grocery carts and baskets at all customer entry points, (c) enact and ensure social distancing for all customers at entry points, checkout lines and all other areas both inside and outside the facility at all times including prior to opening in times, and (d) post a list of all reasonable limits of purchase at all entry points. For the purposes of this Order, “Essential Businesses” mean:

a. Stores that Sell Groceries and Certain Other Essential Supplies. Food service providers, including grocery stores, supermarkets, food and beverage wholesalers, food and beverage warehouses and distribution centers, beer distributors, big-box stores, liquor stores, bodegas, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes general merchandise stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences. This includes furniture and home furnishings stores. This exemption does not apply to outdoor food stalls or other goods sold in an outdoor market, including but not limited to farmers’ markets and swap meets.

b. Food Cultivation. Food cultivation, including, but not limited to, crop farming, oilseed and grain farming, vegetable and melon farming, fruit and tree nut farming, greenhouse nursery and floriculture production, cattle ranching and farming, hog and pig farming, poultry and egg production, sheep and goat farming, animal aquaculture, other animal production, support activities for crop production, support activities for animal production.

c. Providers of Basic Necessities to Economically Disadvantaged Populations. Businesses that provide food, shelter, and social services, and other necessities of life for the elderly, economically disadvantaged or otherwise needy individuals.

d. Information. Newspapers, television broadcasting, radio broadcasting, and other media services. This includes the ancillary work necessary for the delivery of the information referenced herein. Members of the media are required to follow the Social Distancing and urged to follow the Face Covering provisions as defined in in this Order. Members of the media are excepted from wearing a Face Covering while on the air or actively delivering the news by radio, television, or other non-print medium. This also includes newspaper, periodical, book, and directory publishers, cable and other subscription programming.

e. Gas Stations and Businesses Needed for Transportation. Gas stations, fuel suppliers, tire stores, establishments engaged in renting or leasing passenger automobiles and automotive

equipment, bicycle or motorcycle repair shops, automobile and other motor vehicle dealerships, for the sale of either new or used cars or providing service and repair services, auto-repair, automotive parts and accessories stores, and other related facilities.

f. Financial Institutions. Monetary authorities—central bank, depository institution (this includes consumer banks and credit unions using drive-through, ATM, and limited lobby services), insurance carriers, insurance agencies, brokerages and other insurance related activities (although in-person sales/brokerage is prohibited), insurance and employment benefit funds, all credit access businesses shall comply with City of El Paso Ordinance Chapter 5.17.

g. Hardware and Supply Stores and Critical Trades. Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions. This includes building material and supplies dealers and lawn and garden equipment and supplies stores. This also includes the following critical trades: plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, Essential Businesses, Essential Government Services, and Critical Infrastructure, including but not limited to utilities such as County electrical power generation, transmission and distribution, natural gas distribution, water, sewage and other systems,, and other public works.

h. Trade. The following types of merchant wholesalers are Essential Businesses: Motor vehicle and motor vehicle parts and supplies, lumber and other construction materials, professional and commercial equipment and supplies, electrical and electronic goods, hardware, and plumbing and heating equipment and supplies, machinery, equipment and supplies, miscellaneous durable goods, paper and product, drugs and druggists' sundries, grocery related product, farm product raw material, chemical and allied products, petroleum and petroleum products, beer and wine and distilled alcoholic beverage, and electronic markets and agents and brokers.

i. Mail and Delivery Services. Businesses providing mailing and shipping services, including couriers, postal service, local messengers and local delivery, post office boxes, and including non-store retailers such as electronic shopping and mail-order houses, as well as businesses that ship or deliver groceries, food, goods, essential supplies or services directly to residences, stores, or Essential Businesses.

j. Educational Institutions. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions.

k. Laundry Services. Laundromats, dry cleaners, and laundry service providers.

l. Restaurants. Pursuant to Governor Abbott's Order GA-18, certain restaurants and other facilities that prepare and serve food may reopen (**See Exhibit H** of this Order for guidelines). Restaurants are encouraged to continue to provide delivery or take out. 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 the food is provided to students or members of the public on a pick-up and takeaway 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 of that school or entity. Food trucks may continue to operate but employees must follow Social Distancing and are encouraged to follow Facial Covering Recommendations and prohibit clients from eating the food onsite, and do not park in areas that are closed pursuant to this Order. All restaurant employers covered in this section are required to: train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another. **See Exhibit H** for Minimum Standard Health Protocols for Restaurants and Restaurant Customers

m. Supplies to Work from Home. Businesses that supply computer, printer and communication products needed for people to work from home.

n. Manufacturing and Supplies for Essential Businesses, Essential Services, Critical Infrastructure and Essential Government Functions. Businesses that supply other Essential Businesses, Critical Infrastructure, and Essential Government Functions with the support or supplies necessary to operate; including but not limited to computers, audio and video electronics, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment and supplies, and food and beverages. This includes businesses and manufacturers that retool so that a substantial part of their business is for the purpose of manufacturing and producing ventilators. This also includes animal food manufacturing, grain and oilseed milling, sugar and confectionary product manufacturing, fruit and vegetable preserving and specialty food manufacturing, dairy product manufacturing, animal slaughtering and processing, bakeries and tortilla manufacturing, tamales manufacturing, other food manufacturing and beverage manufacturing, sawmills and wood preservation, veneer, plywood and engineered wood product manufacturing, other wood product manufacturing, pulp, paper and paperboard mills, converted paper manufacturing, printing and related support activities, petroleum and coal products manufacturing, basic chemical manufacturing, resin, synthetic rubber, and artificial synthetic fibers and filaments manufacturing, pesticide, fertilized and other agricultural chemical manufacturing, pharmaceutical and medicine manufacturing, soap, cleaning compound, and toilet paper manufacturing, other chemical product and preparation manufacturing, plastics product manufacturing, rubber product manufacturing, glass and glass product manufacturing, cement and concrete product manufacturing, lime and gypsum product manufacturing, iron and steel mills and ferroalloy manufacturing, steel product manufacturing from purchased steel, alumina and aluminum production and processing, agriculture construction and mining machinery manufacturing, commercial and service industry machinery manufacturing, engine, turbine, and power transmission equipment manufacturing, ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing, semiconductor and other electrical component manufacturing, navigational, measuring, electromedical, and control instruments manufacturing, aerospace product and parts

manufacturing is limited to defense industrial base and transportation manufacturing under CISA advisory, and other miscellaneous manufacturing is limited to defense industrial base manufacturing under CISA advisory.

o. Transportation. Scheduled and non-scheduled air transportation, taxis, rail transportation, water transportation, general freight trucking, specialized freight trucking, school and employee bus transportation, other transit and ground passenger transportation, to include public transportation such as bus services, pipeline transportation of crude oil, pipeline transportation of natural gas, and other pipeline transportation, urban transit systems, and other private transportation providers (such as taxis, limousines, Uber and Lyft) that provide transportation services. This includes support activities for air, rail, road, and water transportation, freight transportation arrangement, other support activities for transportation and transportation maintenance services such as mechanics necessary to keep transportation services operational.

p. Home-Based Care and Services. Home-based care for the sick or dying, seniors, adults, or children, including caregivers who may travel to provide support and/or care.

q. Residential Facilities and Shelters. Residential facilities and shelters for seniors, adults, children, including but not limited to, homeless shelters, individual and family service centers, centers against family violence, and transitional housing.

r. Accommodation Services. Businesses that provide traveler accommodation, to include hotels and motels. Recreational Vehicle (RV) Parks and Recreational Camps are limited to residential use, rooming and boarding houses.

s. Legal Services. Legal services are limited to those that can be effectuated from home or from single-person offices, with the exception of professional services and staff working on essential government functions, and attorneys and staff that provide legal services which require participation in court functions deemed essential by a presiding judge, the Local Council of Judges, Supreme Court orders, and federal court Orders. **See Exhibit J** for Minimum Standard Health Protocols For Single-Person Offices and **Exhibit L** for the Supreme Court of Texas 12th Emergency Order Regarding COVID-19 Disaster

t. Real Estate Services. For appraisers, realtors, brokers, title companies and their staff.

u. Information Technology Services. IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing. This includes stores primarily engaged in repairing computers, electronics, precision equipment and cell phones.

v. Daycare Facilities. Daycare facilities are limited to providing services that enable employees exempted in this Order to work as permitted. To the extent possible, daycare facilities must operate under the following mandatory conditions:

1. Daycare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer care recipients are in the same group each day).

2. Care recipients shall not change from one group to another, unless there is a closure of a daycare facilities that requires a care recipient to be placed in a new daycare facility. Care recipients coming from facilities that may have closed shall be grouped together in one group, when possible.
3. If more than one group of care recipients is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. All Daycare providers are required to train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another.

Daycare facilities caring for adult care recipients are urged, when possible, to close and to deliver in-home services, including personal care, medication management, meal delivery and other essential needs for the health and safety of the adult care recipient.

w. Animal Shelters, Zoos, and other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons, but may continue to operate to the extent necessary to provide for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform an Essential Health Care Service or another Essential Business Service.

x. Clothing and Personal Protective Equipment Manufacturers, Suppliers and Retailers. Stores that only or primarily manufacture, supply, or sell uniforms, apparel, accessories, supplies and personal protective equipment for medical/healthcare professionals and public safety workers (law enforcement officers and firefighters).

y. Firearms Dealers. Firearms dealers may operate in accordance with applicable state and federal laws.

z. Vector and Pest Control. Establishments primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, wasps, and other insects and pests.

aa. Funeral and Post-Mortem Services. Workers performing mortuary services, death care services, including funeral homes, crematoriums, and cemetery workers are encouraged to operate in accordance with the minimum recommended health protocols for all churches, congregations and places of worship issued by the Governor and Attorney General. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to family members, responders, and survivors of an incident.

bb. Warehousing and Storage. Facilities that receive or store residential or commercial goods and shipments.

cc. Rental and Leasing Services. Consumer goods rental, general rental centers, and commercial and industrial machinery and equipment rental and leasing.

dd. Individuals experiencing homelessness. A person that is homeless is exempt from this Order; however, such a person is strongly urged to obtain shelter.

SECTION 8. Terms and Definitions.

a. Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with the following: train employees on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette, screen employees before coming into the work facility for new or worsening cough, shortness of breath, or difficulty breathing, chills, repeated shaking with chills, muscle pain, headaches, sore throat, loss of taste of smell, diarrhea, feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit or had known close contact with a person who is lab-confirmed to have COVID-19; send home any employee that meets the previously listed; have all employees wash or sanitize hands prior to entering the business; ensure all employees wear face coverings; and ensure employees maintain at least 6 feet of separation from one another, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions. This includes facilities support services, investigation and security services, services to buildings and dwellings (this includes janitorial, pest control, and landscaping services), waste collection, waste treatment and disposal and remediation and other waste management services; or

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

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

c. Businesses Covered by this Order. For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or their corporate or entity structure.

SECTION 9. Enforcement. Pursuant to Texas Government Code Section 418.173(b), it is an offense for an individual to violate a condition or restriction of any Order issued by the El Paso County Judge during the public health crisis/disaster. Said offense shall be:

- 1) a Class C Misdemeanor punishable by a fine not to exceed \$500;

- 2) except that if it is shown on the trial of the offense that the person has been previously warned or cited for an offense under this Order the offense shall be a Class B misdemeanor punishable by a fine not to exceed \$1,000.00 or confinement in jail for a term not to exceed 180 days, or both.
- 3) No civil or criminal penalty shall be issued for failure to wear a face covering.

Any peace officer, including, but not limited to, officers of the El Paso County Sheriff's Office, the El Paso Police Department, and the Fire Marshal's Office, is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code. To the extent allowed by law, this order may be enforced by any code enforcement officers, code compliance officers, or other similar designation, in the same manner that municipal codes and ordinances are enforced.

SECTION 10. This Order of the County Judge applies to all incorporated and unincorporated areas of El Paso County. This includes the Village of Vinton, City of San Elizario, City of Socorro, Town of Horizon City, Town of Clint, Town of Anthony, and City of El Paso. To the extent of conflict between the El Paso County Judge and mayor of any city within the geographic boundaries of El Paso County, the decisions set forth in this Order prevail to fullest extent allowed by law pursuant to Texas Government Code Section 418.108(n).

SECTION 11. Posting of this Order. The County will post this Order on its 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.

SECTION 12. Prior Orders. This Order is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitations set out in the preamble to this Order and prior Orders issued by the El Paso County Judge except that where any such previous Orders or Declarations are in conflict with this Order, this Order prevails. Furthermore, all provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, shall be automatically incorporated into and constitute terms of this Executive Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Order and any executive order of the Governor, the strictest order shall prevail.

SECTION 13. Savings Clause. 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 14. This Order incorporates by reference the following:

Exhibit A: Minimum Standard Health Protocols for All Individuals

Exhibit B: Special Guidance for Texans Over 65

Exhibit C: Face Covering Recommendations

Exhibit D: Recommendations for Nursing Facilities

Exhibit E: Golf/Tennis Guidelines Issued by Health Authority City/County of EL Paso, Texas

Exhibit F: Minimum Standard Health Protocols for Outdoor Sports Participants

Exhibit G: Minimum Standard Health Protocols for Retailers and Retail Customers

Exhibit H: Minimum Standard Health Protocols for Restaurants and Restaurant Customers

Exhibit I: Minimum Standard Health Protocols for Movie Theaters and Movie Theater Customers

Exhibit J: Minimum Standard Health Protocols for Single- Person Offices

Exhibit K: Minimum Standard Health Protocols for Churches/Places of Worship

Exhibit L: Supreme Court of Texas 12th Emergency Order Regarding COVID-19 State of Disaster

ORDERED this the 29th day of April of, 2020.

COUNTY OF EL PASO, TEXAS



Ricardo A .Samaniego,
El Paso County Judge

Exhibit A
Minimum Standard Health Protocols for All Individuals
as Outlined by the
Governor’s Report to Open Texas Issued on
Monday, April 27, 2020

In accordance with Governor Abbott’s executive order GA-18, the following are the minimum recommended health protocols for all individuals in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health Protocols for Individuals

Maintain at least 6 feet separation from other individuals not within the same household. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.

Self-screen before going into a business for any of the following new or worsening signs or symptoms of possible COVID-19:

- Cough
- Shortness of breath
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- Loss of taste or smell
- Diarrhea
- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit

- Known close contact with a person who is lab confirmed to have COVID-19

Wash or disinfect hands upon entering a business and after any interaction with employees, other customers, or items in the business.

Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a business, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

Exhibit B
SPECIAL GUIDANCE FOR TEXANS OVER 65
as Outlined by the

Governor’s Report to Open Texas Issued on Monday, April 27, 2020

People 65 years or older, especially people 65 years or older with medical issues like heart disease, diabetes, cancer, or a weakened immune system, are at a higher risk for getting very sick or dying from COVID-19. Every Texan is part of the solution. Strictly adhere to all CDC guidelines, as well as all recommendations in this document. **Texans 65 years of age or older are at a higher risk for getting very sick from COVID-19 and are especially urged to follow the special guidance.**

1. Stay Home if you Can

- Minimize face-to-face contact with others. Avoid young children.
- If someone is assisting you, you and your family members or caretaker should wear cloth face masks. Remember a family member or caretaker can give you the virus even if they don’t appear to have symptoms.
- Try grocery or restaurant delivery, mail order prescriptions, and phone appointments with your doctor. **Call 2-1-1 if you need help with essentials.**
- Reach out to friends, family, or neighbors who can deliver essential items.

2. Help Save Lives

- If you must go out, wear a cloth face mask, and stay six feet away from others.
- Wash your hands often and for at least 20 seconds, or use hand sanitizer with at least 60% alcohol.
- Disinfect surfaces, buttons, handles, knobs, and other places touched often.
- Do not share dishes, drinking glasses, cups, or eating utensils with others.
- If you have mild symptoms (difficulty breathing, or a rapidly worsening cough or fever), call your healthcare provider. **If symptoms are severe, call 9-1-1.**

3. Check In

- Check in regularly with neighbors, friends, and family by calling, texting, emailing, video chatting, or even writing letters.
- Walking, gardening, digital books, games, and online religious services are great ways to stay active and connected.

Exhibit C

Face Covering Recommendations

A significant percentage of individuals with the COVID-19 virus lack symptoms. Because an infected person can transmit the virus to others before showing any symptoms, the covering of a person's nose and mouth when outside your home or residence is necessary to help prevent the spread of COVID-19. This is consistent with the findings of the CDC and El Paso Public Health Authority.

Fabric face coverings are recommended are not surgical masks or N-95 respirators, which are critical supplies that must continue to be reserved for healthcare workers and first responders. Staying home is the best way to help reduce the spread of the virus, but if an individual must leave their place of residence, wearing a fabric face covering is recommended and should be used as outlined in this Order. Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus.

Recommended use, as established by the Order, should be as follows:

- a. All persons over the age of two (2) should wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when
 - i. Entering into or inside of any building open to the public,
 - ii. When using public transportation, taxis, or ride shares,
 - iii. When pumping gas, and
 - iv. Outside and six feet of social distancing cannot be consistently maintained between the person and individuals outside of their household
- b. This section shall not apply to persons
 - i. Riding in a personal vehicle,
 - ii. That are alone in a separate single space,
 - iii. That are in the presence only of other members of their household or residence,
 - iv. When doing so poses a greater material or physical health, safety or security risk, such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance, or
 - v. For consumption purposes.
 - vi. This face covering require does not interfere with the requirement of an employer to comply with the Americans with Disabilities Act and the Rehabilitation Act

Parents and guardians of children over the age of two (2) and under ten (10) should be responsible for appropriately mask their children when outside their residence.

- c. All non-residents in nursing homes, retirement and long-term care facilities should wear a fabric face covering as provided for in these Recommendations, and set forth in Section 1 of this Order (Face Covering Recommendations).

- d. All COVID-19 positive individuals, suspected positives, those currently being tested, and untested individuals with cough and/or fever, and household members of same category of individuals should not leave their residence without a mask or cloth face covering to prevent the spread of others.
- e. All individuals working for a business covered by this Order must wear a mask or cloth face covering whenever in public and whenever performing job duties in the presence of others.
- f. Medical grade (N95) and surgical masks should be reserved and used only by medical professionals and first responders.

Examples of how to make cloth face coverings can be online based on guidance from the CDC.

g. The fabric face covering should:

1. Fit snugly, but comfortably against the side of the face
2. Be secured with ties or ear loops
3. Include multiple layers of fabric
4. Allow for breathing without restriction
5. Be able to be laundered and machine dried without damage or change to shape
6. Even with the use of appropriate face coverings, individuals shall maintain 6 feet of social distancing whenever possible
7. Individuals should avoid touching their face and should wash their hands or use hand sanitizer

Exhibit D

Recommendations for Nursing Facilities as Outlined by the Governor's Report to Open Texas Issued on Monday, April 27, 2020

The number of infections of staff and residents in nursing facilities continues to grow. The number of fatalities of nursing facility residents continues to grow. Enhanced response and control measures are needed to ensure greater protection for those vulnerable Texans and their families.

A consistent and strong response is needed now to effectively bend the COVID-19 curve in these facilities.

Recommendation 1: Quantify the extent of the infection immediately: The first step in the process is to know exactly what level of infection exists at a facility. Upon the first positive test result of the nursing facility staff member or resident, the facility shall work with local health authorities, DSHS, and HHSC to coordinate testing of nursing facility staff and residents. In addition, nursing facilities will have access to the Rapid Assessment Quick Response Force to provide rapid response and a medical triage team that can be deployable by DSHS through the Emergency Medical Task Force upon notification of a positive COVID-19 patient. If needed, an additional team can be sent to assist the facility with immediate needs.

Recommendation 2: Implement a comprehensive mitigation plan: First, the facility should immediately initiate measures to control the infection using best practices and CDC requirements. Second, as soon as any test results are available, the facility shall further implement a comprehensive mitigation plan that takes into account the extent of the test results and directly addresses all isolation, infection control, staffing, and other operational aspects of the facility. The mitigation plan must address the specific level of infection that is discovered in that facility.

Recommendation 3: Re-evaluate current COVID-19 positive facilities: Those currently positive facilities that have not completed comprehensive testing will need to conduct an assessment of their current infection levels and consult with local health authorities, DSHS, and HHSC to coordinate testing of nursing facility staff and residents. The facility will then develop and implement a comprehensive mitigation plan with any additional testing results taken into consideration.

This will require the state regulatory and public health experts, local public health partners, and health system partners to engage with the nursing facility to ensure that collection kits are available, and that testing is conducted quickly and efficiently, so that the comprehensive mitigation plan is implemented immediately.

Recommendation 4: Appropriate isolation and placement of COVID-19 patients: The comprehensive mitigation plans should first and foremost focus on complete containment of the infection level present at that facility. The residents who are positive need to be isolated in the most effective manner available such as removal to a different facility (possibly a COVID-19 positive dedicated facility) or removal to an isolated wing of their facility. The facility should also place limitations on movement of positive residents within the facility, as well as relocate any residents to designated COVID-19 negative areas/wings.

Recommendation 5: Implement enhanced access controls to the facility: The mitigation plan shall manage and control access to the facility by the healthcare partners who frequent the facility and any other individuals providing critical services in the facility. The plan should keep individuals from interacting with both positive and non-positive patients. This should include complete limitations on any unnecessary visitations, enhanced screening and decontamination techniques, and limited access to the facility through special entrances to control infection.

Recommendation 6: Enhance control of staff access to the facility: To the greatest extent possible, facilities should discourage staff and employees from working at multiple facilities. This is not a prohibition, which could lead to further staffing shortages, but additional control measures should be taken, and, in some circumstances, limitations are necessary. Facilities should establish very clear definitions, roles, and requirements for each different type of clinical or staffing partner which is employed by or provides services within a nursing facility. The screening criteria above should reflect the risk factors for each type of partner. Additionally, facilities should strengthen existing protocols for third party providers who “come and go” to deliver services at other facilities, ensuring the use of a separate entrance and exit, decontamination practices, and greater screening criteria or restrictions if a person has been at a facility with COVID-19 positive results.

Recommendation 7: Effective notifications: The facility shall implement immediate measures to inform all who interact (or may have recently interacted) with a facility with positive patient(s) so that further limitations can be enacted to control the spread of infection to residents, family members, medical staff, therapists, and other service providers who may frequent the facility. This needs to be done in strict adherence to CDC guidelines, DSHS guidance, the Centers for Medicare and Medicaid (CMS) guidance, and the HHSC Nursing Facility Response Plan.

Recommendation 8: Continue prevention efforts in facilities that do not have an infection: Facilities that do not have a positive detection to-date will continue to undergo infection control assessments and enhancements in compliance with guidance from CDC guidelines, DSHS guidance, the Centers for Medicare and Medicaid (CMS) guidance, and the HHSC Nursing Facility Response Plan. HHSC staff will engage with local facilities to provide additional support and help identify any required changes or enhancements to infection control strategies/procedures to minimize the risk of introducing COVID-19 into the facility.

This plan requires strong partnership and engagement between all local and state officials. Upon a positive test result, the nursing facility must notify and work with local public health department officials, HHSC regulatory staff, and DSHS public health experts to seek input so that the comprehensive mitigation plan is in compliance with this order. Nursing facilities must also adhere to reporting requirements established by CMS.

DSHS and HHSC will develop additional guidance to other long-term care facilities (such as assisted living facilities and intermediate care facilities and others) to enhance infection control standards in those facilities. Finally, agency staff will develop the standards for recovery for staff and residents in a long-term care facility, which will inform any modifications to mitigation strategies and the need for any further testing.

Exhibit E

**GOLF COURSE ORDERS AND
GUIDANCE FOR RE-ESTABLISHING SERVICES TO PUBLIC**

**EFFECTIVE IMMEDIATELY
April 28, 2020**

The current situation on COVID-19 in El Paso, TX continues to evolve. In light of the presence of COVID-19 in our community, the City of El Paso Department of Public Health is issuing the following Orders and Guidance to golf courses, which their employees, clients and golfers must follow to reduce the risk of exposure to COVID-19, as well as the protective measures which must be undertaken at all golf courses.

Golf courses may be able to open to the public effective April 28, 2020, at 12:01 AM at a reduced attendance as described in this document.

Golf pro shops must remain closed and clubhouses with snack bars or grills may be open for take-out and carry out only, until May 1, 2020, when both Golf pro shops and clubhouses may operate at up to 25% of total listed occupancy and on a take-out or to-go basis. These rules shall continue through May 15, 2020 subject to extension, expansion or amendment by the Texas Governor.

Golf pro shops are encouraged to consider dedicating a certain period of time each day for only at-risk customers (those who are 65 or older, especially those with chronic lung disease, moderate to severe asthma, chronic heart disease, severe obesity, diabetes, chronic kidney disease undergoing dialysis, liver disease, or weakened immune system) or deliver purchased goods to vehicles to reduce the need for at-risk customers to enter the store. If practical, Golf pro shops should monitor what items customers touch to clean or disinfect when the customer leaves the retail establishment. Contactless payment is encouraged, but where not available, contact should be minimized.

Club houses with kitchen will follow restaurant guidance when applicable.

Social Distancing and Other Public Health Interventions

- Arrange Tee times to be within 45-minute intervals.
- Employees and visitors are encouraged to follow social distancing guidelines including maintaining a physical distance of at least 6 feet between individuals.
- Players must make reservations and pay for tee times in advance by telephone or online before coming to the course, no walk up play.
- If the course is private, play is limited to members only, no guests.
- Adjust waiting areas to follow social distancing guidelines.
- Avoid congregating in areas surrounding snack bars or grills. No beverage carts are allowed.

- Players are not to arrive at the course more than fifteen minutes prior to their tee time and must maintain social distancing while waiting for their tee time. Players must leave the course immediately when their round is finished.
- Walking is preferred and pull carts are allowed. The use of golf carts is permitted provided use is restricted to a single rider and anyone living in the same household.
- Groups of more than 4 golfers are not allowed. Only golfers are allowed on the course.
- Players are responsible for handling their golf bag and clubs. Course personnel will not handle bags or clubs at any time.
- No spectators are allowed.
- No golf instruction or academies are allowed at this time.
- Golfers are not required to wear a face covering in accordance with the Second Amendment to the City of El Paso Local Emergency Directive, also known as the latest Stay Home Stay Safe Directive, and Exhibit B to the Second Amendment to County Order No. 7, all as amended.
- Consider displaying posters and signs to frequently remind guests to take steps to prevent the spread of COVID-19. These messages may include information about:
 - Staying home if you are sick or do not feel well, and what to do if you're sick or feel ill.
 - Reminders of facial hygiene and cleanliness, such as avoid touching eyes, nose and mouth with unwashed hands.
 - Covering coughs and sneezes with a tissue, then throwing the tissue in the trash.
 - Washing hands often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing.
 - If soap and water not readily available, people can use a hand sanitizer that contains at least 60% alcohol base.

Rules for Course Set-up

- Carts must be staged at least six feet apart. Carts must not be parked closer than six feet from each other on the course.
- Clean and disinfect driving range golf balls between use.
- Ensure separation of at least 6 feet between golfers on the driving range.
- Putting greens and practice areas only available for players ten minutes prior to their tee time. Social distancing must be maintained on practice putting greens.
- No rakes in bunkers.
- No ball washers.
- All cups on greens must either be raised to prevent the ball from entering the hole or be filled with a liner which keeps the ball from dropping all the way into the hole so that players may remove their ball without touching the flagstick.

Staff

- Employers should implement a health screening policy for all employees, and establish protocols for employee exclusion if they develop any of the following symptoms: feeling feverish or present a measured fever of greater than or equal to 100°F, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste and smell, diarrhea, other gastrointestinal symptoms, or have been in known close contact with a person who is lab confirmed to have COVID-19.
- Employers should consider use of a touchless infrared thermometer to check the temperature of employees each day.
- Employees with a temperature above 100°F are recommended to be sent home until they have no fever and no evidence of COVID-19 symptoms.
- All employees shall wear a face covering while at work and interacting with other employees and patrons.
- Employees should wear gloves and wash hands often for at least 20 seconds with soap and water or use of hand sanitizer that contains at least 60% alcohol.
- Employers should consider implementing flexible sick leave and supportive policies and practices for employees considered high-risk (older than 65 years of age or with other uncontrolled medical conditions) for developing severe complications.
- Make available and visible COVID-19 prevention print materials at your business.
- Staffing beyond those needed for golf course maintenance and security should be minimal (limited number of cart attendants, starter to monitor tee times who must maintain social distancing).

Sanitation

- Use disinfectant to clean common touch points.
- Prior to reopening, deep clean all surfaces and touch points with EPA- approved sanitization products.
- Prior to reopening, retrain employees on best practices to avoid contamination.
- Consider designating one person to clean high-touch points throughout the day.
 - Examples of high-touch point surfaces include doorknobs, gates, door handles and push plates, railing, faucets, and toilet flush levers.
- Employees should practice proper handwashing, observe respiratory etiquette, and avoid using other employees' phones, pens, notepads, or other work tools.
- Clean and disinfect bathrooms regularly, particularly high-touch surfaces, and ensure they have handwashing supplies. Some facilities, such as restrooms or water fountains may be temporarily closed or restricted. Inform visitors if there is limited access to public restrooms or water fountains.
- Ensure that access to handwashing/hand sanitizing facilities and supplies are available

for employees and customers.

- Require that when payment is required for booking tee times and associated costs, payment must be made electronically or over the telephone; otherwise, no cash or credit payments are allowed on site unless touchless payments and digital money transfers transactions are available on-site to minimize touching of writing implements and high touch surfaces. For any Clubhouse or Pro shop purchases, Encourage touchless payments and digital ordering to further minimize touching of writing implements and high touch surfaces.
- Strategic placement of approved hand sanitizers for employees and clients are encouraged.
- No public ice/water machines are to be in use. No drinking fountains in operation.
- Golf carts and push carts must be cleaned and sanitized by wiping all high touch areas (including steering wheels, cup holders, seats and roof supports and areas of the roof where players would grab entering or leaving the cart) before and after each round of use.

We appreciate your assistance in this matter. As soon as information changes, it will be made available through our website at EPStrong.org

The proposed Orders and Guidance are to be effective immediately and publicly disseminated around the City and County of El Paso, Texas.



Hector I. Ocaranza, M.D., MPH
Health Authority City/County of El Paso, TX

TENNIS FACILITIES ORDERS AND GUIDANCE FOR RE-ESTABLISHING SERVICES TO PUBLIC

**EFFECTIVE IMMEDIATELY
April 29, 2020**

The current situation on COVID-19 in El Paso, TX continues to evolve. In light of the presence of COVID-19 in our community, the City of El Paso Department of Public Health is issuing the following Orders and Guidance to private Tennis Facilities, which their employees, clients and players must follow to reduce the risk of exposure to COVID-19, as well as the protective measures which must be undertaken at all tennis courts and facilities.

Private Tennis Facilities may be open to the public effective April 29, 2020, at 12:01 AM at a reduced attendance as described in this document.

Tennis pro shops must remain closed and clubhouses with snack bars or grills may be open for take-out and carry out only, until May 1, 2020, when both tennis pro shops and clubhouses may operate at up to 25% of total listed occupancy and on a take-out or to-go basis, and shall follow the Social Distancing and Other Public Health Guidelines listed herein. These rules shall continue through May 15, 2020 subject to extension, expansion or amendment by the Texas Governor.

Tennis pro shops are encouraged to consider dedicating a certain period of time each day for only at-risk customers (those who are 65 or older, especially those with chronic lung disease, moderate to severe asthma, chronic heart disease, severe obesity, diabetes, chronic kidney disease undergoing dialysis, liver disease, or weakened immune system) or deliver purchased goods to vehicles to reduce the need for at-risk customers to enter the store.

If practical, tennis pro shops should monitor what items customers touch to clean or disinfect when the customer leaves the retail establishment. Contactless payment is encouraged, but where not available, contact should be minimized.

Club houses with kitchens will follow restaurant guidance when applicable.

Social Distancing and Other Public Health Interventions

- Participants should self-screen prior to arriving at a Tennis club for the following new or worsening symptoms:

<input type="checkbox"/>	Cough	<input type="checkbox"/>	Sore throat
<input type="checkbox"/>	Repeated shaking with chills	<input type="checkbox"/>	Loss of taste or smell
<input type="checkbox"/>	Chills	<input type="checkbox"/>	Diarrhea
<input type="checkbox"/>	Muscle pain	<input type="checkbox"/>	Headache
<input type="checkbox"/>	Feeling feverish or a measured temperature greater than or equal to	<input type="checkbox"/>	Known close contact with a person who is lab confirmed to have COVID-19

	100.0 degrees Fahrenheit		
<input type="checkbox"/>	Shortness of breath or difficulty breathing		

- Tennis clubs should utilize every other court spacing to provide distancing between courts being used.
- Singles matches are recommended, however, doubles matches are permitted.
- Employees and visitors are required to follow social distancing guidelines including maintaining a physical distance of at least 6 feet between individuals that are not members of the same household.
- Players are encouraged to make reservations and pay for court fees in advance (if applicable) by telephone or online before coming to the tennis court; walk-up play is discouraged.
- If the courts are private, play is limited to members only; no guests.
- Adjust waiting areas to follow social distancing guidelines.
- Avoid congregating in areas surrounding snack bars or grills. No beverage carts are allowed.
- Players are not to arrive at the courts more than fifteen minutes prior to their reservation time and must maintain social distancing while waiting for their court time. Players must leave the courts immediately when their match is finished.
- Groups of more than 4 players are not allowed. Only players are allowed on the courts.
- Players are responsible for handling their equipment bag and balls. Court personnel will not handle any equipment bags at any time. Equipment bags are to be placed apart from each other while in the courts to promote distancing between personal property and social distancing between players.
- Players are encouraged to bring their own beverages.
- No spectators are allowed.
- Group tennis instruction or academies are NOT allowed at this time, with the exception of those described below.
- Tennis instruction or academies are only allowed in semiprivate or private arrangements in groups of 1 or 2 students at a time. A maximum of 4 people are allowed on a single court.
- Players are not required to wear a face covering in accordance with the Second Amendment to the City of El Paso Local Emergency Directive, also known as the latest Stay Home Stay Safe Directive, and Exhibit B to the Second Amendment to County Order No. 7, all as amended.
- Displaying posters and signs is recommended to frequently remind guests to take steps to prevent the spread of COVID-19. These messages may include information about:
 - Staying home if you are sick or do not feel well, and what to do if you're sick or feel ill.
 - Reminders of facial hygiene and cleanliness, such as avoid touching eyes, nose and mouth with unwashed hands.

- Covering coughs and sneezes with a tissue, then throwing the tissue in the trash.
- Washing hands often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing.
- If soap and water not readily available, people can use a hand sanitizer that contains at least 60% alcohol.

Staff

Employers shall follow the Minimum Standard Health Protocols issued by the Texas Governor, including:

- Implement a health screening policy for all employees, and establish protocols for employee exclusion if they develop any of the following symptoms:

<input type="checkbox"/>	Cough	<input type="checkbox"/>	Sore throat
<input type="checkbox"/>	Repeated shaking with chills	<input type="checkbox"/>	Loss of taste or smell
<input type="checkbox"/>	Chills	<input type="checkbox"/>	Diarrhea
<input type="checkbox"/>	Muscle pain	<input type="checkbox"/>	Headache
<input type="checkbox"/>	Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit	<input type="checkbox"/>	Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/>	Shortness of breath or difficulty breathing		

- Employers are recommended to use a touchless infrared thermometer to check the temperature of employees each day.
- Employees with a temperature above 100°F or with any of the above symptoms are recommended to be sent home.
- Do not allow employees with new or worsening signs or symptoms as listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional’s note clearing the individual for return based on an alternative diagnosis.

- All employees shall wear a face covering while at work and interacting with other employees and patrons.
- Employees should wear gloves and wash hands often for at least 20 seconds with soap and water or use of hand sanitizer that contains at least 60% alcohol.
- Employers are recommended to implement flexible sick leave and supportive policies and practices for employees considered high-risk (older than 65 years of age or with other uncontrolled medical conditions) for developing severe complications.
- Employers shall make available and visible COVID-19 prevention print materials at your business.
- Staffing beyond those needed for tennis court maintenance and security should be minimal.

Sanitation

- Use disinfectant to clean common touch points.
- Prior to reopening, deep clean all surfaces and touch points with EPA- approved sanitization products.
- Prior to reopening, train employees on best practices to avoid contamination.
- Employers are recommended to designate one person to clean high-touch points throughout the day.
 - o Examples of high-touch point surfaces include doorknobs, gates, door handles and push plates, railing, faucets, and toilet flush levers.
- Employees should practice proper handwashing, observe respiratory etiquette, and not use other employees' phones, pens, notepads, or other work tools.
- Clean and disinfect bathrooms regularly, particularly high-touch surfaces, and ensure they have handwashing supplies. Some facilities, such as restrooms or water fountains may be temporarily closed or restricted. Inform visitors if there is limited access to public restrooms or water fountains. Encourage visitors to bring their own water.
- Ensure that access to handwashing/hand sanitizing facilities and supplies are available for employees and customers and strategic placement of approved hand sanitizers for employees and clients is encouraged.
- When payment is required for court reservations and associated costs, payment must be made electronically or over the telephone; otherwise, no cash or credit payments are allowed on site unless touchless payments and digital money transfers transactions are available on-site to minimize touching of writing implements and high touch surfaces.
- No public ice/water machines are to be in use. No drinking fountains in operation.

We appreciate your assistance in this matter. As soon as information changes, it will be made available through our website at EPStrong.org

The proposed Orders and Guidance are to be effective immediately and publicly disseminated around the City and County of El Paso, Texas.



Hector I. Ocaranza, M.D., MPH
Health Authority City/County of El Paso, TX

Exhibit F

Minimum Standard Health Protocols for Outdoor Sports Participants

**as Outlined by the
Governor's Report to Open Texas Issued on
Monday, April 27, 2020**

As outlined in Governor Abbott's executive order GA-18, individuals may engage in outdoor sports, provided that the sports **do not include** contact with other participants, and **no more than four participants** play the sport at any time. Please note, under executive order GA-18, **individuals shall avoid public swimming pools.**

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all individuals engaging in outdoor sports in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for outdoor sports participants

- Self-screen before playing in an outdoor sport for any of the following, new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea

- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Known close contact with a person who is lab confirmed to have COVID-19
- **Special Consideration for golf courses:**
 - Clean and sanitize golf carts and push carts between uses.
 - Except for members of the same household, no more than one individual per golf cart.
 - Clean and disinfect driving range golf balls between use.
 - Ensure separation of at least 6 feet between golfers on the driving range.

Exhibit G

Minimum Standard Health Protocols for Retailers and Retail Customers

**as Outlined by the
Governor's Report to Open Texas Issued on
Monday, April 27, 2020**

As outlined in Governor Abbott's executive order GA-18, non-essential retailers may operate up to 25% of the total listed occupancy. In addition, non-essential retailers may operate through pickup, delivery by mail, or delivery to the customer's doorstep. Shopping malls may operate at up to 25% of the total listed occupancy of the shopping mall, but shopping mall food court dining areas, play areas, and interactive displays and settings must remain closed.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all retailers choosing to operate in Texas. Retailers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Retailers should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Retailers should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Retailers are encouraged to consider dedicating a certain period of time each day for only at-risk customers or deliver purchased goods to vehicles to reduce the need for at-risk customers to enter the store.
- If practical, monitor what items customers touch to clean or disinfect when the customer leaves the retail establishment.

Health Protocols for your retail employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into the retailer:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
- **Do not** allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- **Do not** allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the retailer.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.

- Consistent with the actions taken by many retailers across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your retail facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the retailer to remind everyone of best hygiene practices.

Retail Customers

In accordance with Governor Abbott’s executive order GA-18, the following are the minimum recommended health protocols for all retail customers. These protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for retail customers:

Self-screen before going into a retailer for any of the following, and **do not** go into a retailer with any of the following symptoms:

- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- Loss of taste or smell

- Diarrhea
- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Known close contact with a person who is lab confirmed to have COVID-19

Wash or disinfect hands upon entering a retailer and after any interaction with employees, other customers, or items in the retailer.

Maintain at least 6 feet separation from other individuals not within the same household. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.

Wash or sanitize hands after the payment process.

Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a retailer, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

Exhibit H

Minimum Standard Health Protocols for Restaurants and Restaurant Customers

**as Outlined by the
Governor's Report to Open Texas Issued on
Monday, April 27, 2020**

As outlined in Governor Abbott's executive order GA-18, restaurants may operate for dine-in service up to 25% of the total listed occupancy of the restaurant, and may not offer valet services except for vehicles with placards or plates for disabled parking. As used in executive order GA-18, this applies only to restaurants that are not required to post the 51% sign required by the Texas Alcoholic Beverage Commission. Restaurants may continue to provide to-go or delivery services.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all restaurants choosing to operate in Texas. Restaurants may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Restaurants should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Restaurants should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Parties maintain at least 6 feet distance apart from other parties at all times, including while waiting to be seated in the restaurant.
- Make hand sanitizing available upon entry to the restaurant
- No tables of more than 6 people
- Dining
 - **Do not** leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table
 - Provide condiments only upon request, and in single use (non-reusable) portions.

- Use disposable menus (new for each patron)
- If a buffet is offered, restaurant employees serve the food to customers.
- Contactless payment is encouraged. Where not available, contact should be minimized.

Health Protocols for your employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into restaurant:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
- **Do not** allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- **Do not** allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).

- Have employees wash or sanitize their hands upon entering the restaurant, and between interactions with customers.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consistent with the actions taken by many restaurants across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Consider having an employee manage and control access to the restaurant, including opening doors to prevent patrons from touching door handles.
- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, and chairs.
- Regularly and frequently clean restrooms, and document the cleanings.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the restaurant to remind everyone of best hygiene practices.
- Clean and disinfect the area used for dining (table, etc.) after each group of customers depart, including the disinfecting of tables, chairs, stalls, and countertops.
- Clean and sanitize restaurants daily.

Restaurant Customers

In accordance with Governor Abbott’s executive order GA-18, the following are the minimum recommended health protocols for all restaurant customers in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for restaurant customers:

- Maintain at least 6 feet separation from other individuals not within the same party. If such distancing is not feasible, other measures such as face covering when not sitting at the table, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a restaurant for any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19

Wash or disinfect hands upon entering a restaurant and after any interaction with employees, other customers, or items in the restaurant.

No tables of more than 6 people.

Customers should wash or sanitize their hands after the payment process.

Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when not at the table, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

Exhibit I

Minimum Standard Health Protocols for Movie Theaters and Movie Theater Customers

**as Outlined by the
Governor's Report to Open Texas Issued on
Monday, April 27, 2020**

As outlined in Governor Abbott's executive order GA-18, movie theaters may operate up to 25% of the total listed occupancy of any individual theater for any screening.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all movie theaters choosing to operate in Texas. Movie theaters may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Movie theaters should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Movie theaters should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Movie theaters are encouraged to utilize remote ticketing options to help manage capacity limitations.
- Ensure proper spacing between patrons in the movie theater:
 - Keep at least two empty seats (or six feet separation) between parties in any row, except as follows:
 - Two or more members of the same household can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
 - Two individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
 - Alternate rows between customers (every other row left empty).
 - Disinfect seats and frequently touched areas between screenings.

- For movie theaters providing food service to patrons:
 - Do not leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table.
 - Provide condiments only upon request, and in single use (non-reusable) portions.
 - Clean and disinfect the area used for dining (table, etc.) after each group of customers depart the theater.
 - Use disposable menus (new for each patron).
 - If the theater allows customers to write down their food orders inside the theater, provide take-home pencils and notepads that cannot be used by other customers.
 - Have wait staff sanitize or wash hands between interactions with customers.
- Movie Theaters with counter food services for patrons:
 - Provide condiments or flatware only in single use, individually-wrapped items, and provide condiments only upon request.
 - Have employees follow proper food-handling protocols.
 - Disinfect any items that come into contact with customers.
- Contactless payment is encouraged. Where not available, contact should be minimized.

Health Protocols for theater employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into restaurant:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
- **Do not** allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or

- In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
- If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- **Do not** allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the movie theater, and between interactions with customers.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.
- Consistent with the actions taken by many businesses across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your theater facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, and chairs.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the movie theater to remind everyone of best hygiene practices.
- Clean and disinfect the area used for dining (table, etc.) after each group of customers depart, including the disinfecting of tables, chairs, stalls, and countertops.

Movie Theater Customers

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all movie theater customers. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health

conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for theater customers:

- Maintain at least 6 feet separation from other individuals who are not attending the movie together. If such distancing is not feasible, other measures such as face covering when not sitting at the table, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a movie theater for any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19

Wash or disinfect hands upon entering a restaurant and after any interaction with employees, other customers, or items in the movie theater.

Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a movie theater, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

Wash or sanitize hands after the payment process.

Exhibit J

Minimum Standard Health Protocols for Single-Person Offices

as Outlined by the

Governor’s Report to Open Texas Issued on

Monday, April 27, 2020

As outlined in Governor Abbott’s executive order GA-18, services provided by an individual working alone in an office may operate.

In accordance with Governor Abbott’s executive order GA-18, the following are the minimum recommended health protocols for all single-person offices. Employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Businesses should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Businesses should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for single-person offices:

- Be trained on all appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Self-screen before coming into the office:
 - Do not go into the office with new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea

- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
- **Do not** allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Wash or sanitize their hands upon entering the business.
- Maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consistent with the actions taken by many businesses across the state, consider wearing a cloth face covering (over the nose and mouth) upon entering the premises and when using common areas, including elevators, restrooms, break rooms, or stairs. If available, you should consider wearing non-medical grade face masks.

Health Protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the business to remind everyone of best hygiene practices.

Exhibit K

Minimum Standard Health Protocols for Churches/Places of Worship

as Outlined by the
Governor's Report to Open Texas Issued on
Monday, April 27, 2020

The Office of the Attorney General and the Office of the Governor have been providing joint guidance regarding the effect of executive orders on religious services conducted in churches, congregations, and places of worship. Below is an excerpt from the joint guidance for executive order GA-18, issued on April 27, 2020. **The same minimum standard health protocols would apply to funeral services, burials, and memorials.**

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all churches, congregations, and places of worship in Texas. Churches, congregations, and places of worship may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans. The same minimum standard health protocols would apply to funeral services, burials, and memorials.

We know now that the virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Churches, congregations, and places of worship should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Churches, congregations, and places of worship should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your attendees:

- Strongly encourage the at-risk population (those who are 65 or older, especially those with chronic lung disease; moderate to severe asthma; chronic heart disease; severe obesity; diabetes; chronic kidney disease undergoing dialysis; liver disease; or weakened immune system) to watch or participate in the service remotely.
- Designate an area inside the facility reserved for the at-risk population, or offer a service for at-risk population attendees only.
- Ensure proper spacing between attendees:

- Keep at least two empty seats (or six feet separation) between parties in any row, except as follows:
 - Two or more members of the same household can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
 - Two individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
- Alternate rows between attendees (every other row left empty).

Health protocols for your employees and volunteers:

- Train all employees and volunteers on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees and volunteers before coming into the church, congregation, or place of worship:
 - Send home any employee or volunteer who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19

Do not allow employees or volunteers with the new or worsening signs or symptoms listed above to return to work until:

- In the case of an employee or volunteer who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
- In the case of an employee or volunteer who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
- If the employee or volunteer has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a

medical professional's note clearing the individual for return based on an alternative diagnosis.

- Do not allow an employee or volunteer with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees or volunteers wash or sanitize their hands upon entering.
- Have employees or volunteers maintain at least 6 feet separation from other individuals. If such distancing is not feasible, then other measures including face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consistent with the actions taken by many churches, congregations, and places of worship across the state, consider having employees, volunteers, and attendees wear cloth face coverings (over the nose and mouth). If available, they should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect seats between services.
- Disinfect any items that come into contact with attendees.
- Maintain hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
- Place readily visible signage to remind everyone of best hygiene practices.
- If a church or place of worship provides meals for employees, volunteers, or attendees, they are recommended to have the meals individually packed for each employee, volunteer, or attendee.
- Maintain rigorous sanitation practices like disinfection, handwashing, and cleanliness when preparing or serving anything edible.

Exhibit L
**Supreme Court of Texas 12th Emergency Order Regarding
COVID-19 State of Disaster**

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9059

**TWELFTH EMERGENCY ORDER REGARDING
THE COVID-19 STATE OF DISASTER**

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order, except for paragraph 9, is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. The following Emergency Orders are renewed as clarified and amended: the First Emergency Order (Misc. Dkt. No. 20-9042 and Court of Criminal Appeals of Texas Misc. Dkt. No. 20-007), as amended by the Third Emergency Order (Misc. Dkt. No. 20-9044 and Court of Criminal Appeals of Texas Misc. Dkt. No. 20-008) and the Eighth Emergency Order (Misc. Dkt. No. 20-9051); the Second Emergency Order (Misc. Dkt. No. 20-9043); the Fifth Emergency Order (Misc. Dkt. No. 20-9046); the Seventh Emergency Order (Misc. Dkt. No. 20-9050); the Ninth Emergency Order (Misc. Dkt. No. 20-9052); and the Eleventh Emergency Order (Misc. Dkt. No. 20-9055).

3. Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public— without a participant’s consent:

- a. Modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, specifically including those in Section 263.401 of the Family Code and in all proceedings under Subtitle E, Title 5, of the Family Code, for a stated period ending no later than 30 days after the Governor’s state of disaster has been lifted;
- b. Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court reporter, or grand juror, but not including a petit juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means;
- c. Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means;
- d. Conduct proceedings away from the court’s usual location with reasonable notice and access to the participants and the public;
- e. Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing;

f. Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.

4. Courts must not conduct in-person proceedings contrary to guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions. Courts should use all reasonable efforts to conduct proceedings remotely.

5. Any deadline for the filing or service of any civil case that falls on a day between March 13, 2020, and June 1, 2020, is extended until July 15, 2020. This does not include deadlines for perfecting appeal or for other appellate proceedings, requests for relief from which should be directed to the court involved and should be generously granted.

6. In determining a person's right to possession of and access to a child under a court-ordered possession schedule in a Suit Affecting the Parent-Child Relationship, the existing trial court order shall control in all instances. Possession of and access to a child shall not be affected by any shelter-in-place order or other order restricting movement issued by a governmental entity that arises from the pandemic. The original published school schedule shall also control, and possession and access shall not be affected by the school's closure that arises from the pandemic. Nothing herein prevents parties from altering a possession schedule by agreement if allowed by their court order(s), or courts from modifying their orders on an emergency basis or otherwise.

7. In any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure:

a. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after May 18, 2020;

b. A writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after May 25, 2020, and the deadlines in Rules 510.8(d)(1)-(d)(2) are suspended while this Order remains in effect; and

c. New filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after May 18, 2020.

8. A case covered by Paragraph 7 may nevertheless proceed and a writ of possession may issue if, but only if:

a. The plaintiff files a "Sworn Complaint for Forcible Detainer for Threat to Person or For Cause";

b. The court determines that the facts and grounds for eviction stated in the Complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, have threatened or pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity; and

c. The court signs an order stating procedures for the case to proceed.

9. All deadlines, whether prescribed by statute, rule, or order, that expired or would have expired between March 13, 2020, and June 1, 2020, are extended until July 15, 2020:

- a. in attorney professional disciplinary and disability proceedings; and
- b. relating to the issuance or renewal of certifications, licenses, or registrations issued by the Judicial Branch Certification Commission, or for fulfilling mandatory continuing education.

10. This order is effective immediately and expires June 1, 2020, except as otherwise stated herein, and unless extended by the Chief Justice of the Supreme Court.

11. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

Dated: April 27, 2020


Nathan L. Hecht
Chief Justice

Misc. Docket No. 20-9059