

COUNTY OF FRIO



STATE OF TEXAS

EXECUTIVE ORDER OF COUNTY JUDGE ARNULFO C. LUNA
ISSUED March 30, 2020

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a declaration of public health disaster in and for the State of Texas and on March 10, 2020, the Texas Department of State Health Services issued a declaration of a public health disaster in the State of Texas for the first time since 1901;

WHEREAS, pursuant to Texas Government Code Section 4198.108, Frio County Judge Arnulfo C. Luna declared a state of local disaster on March 19, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 23, 2020, the Frio County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Frio County (hereinafter, the "*Order of Continuation of Declaration*");

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Frio County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Order of Continuing Declaration;

WHEREAS, the County Judge has determined the extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a cooperative response; and

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbot as of March 19, 2020, and to harmonize, to the extent possible, the executive orders of Governor Greg Abbot, the Frio County Judge and the mandates contained in the declaration of the Mayor of the City of Pearsall, as extended, I hereby rescind my previous Executive Order as issued on March 23, 2020 and issue this Executive Order in its place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, FRIO COUNTY JUDGE ARNULFO C. LUNA HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

- I. Effective as of 11:59 p.m. on Tuesday March 30, 2020 and continuing through 11:59 p.m. on April 6, 2020, unless extended, terminated early by Frio County Judge Arnulfo C. Luna or otherwise indicated below:
 1. Subject to the definitions and further guidance set out in Subsection (I) below, that all persons currently residing within the incorporated and unincorporated territory of Frio County are hereafter directed to stay at home (“*Stay Home Work Safe Measures*”). All person may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined below) but must implement all social distancing requirements and adopt other mitigating measures. All public or private gatherings of any number of people occurring outside a single household are hereafter prohibited, except s otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members within a household. To the extent that individuals are sharing an outdoor space, they shall, to the extent feasible, maintain social distancing of at least 6 feet from any other person. For the purpose of this order, residence shall include the outer perimeter of the lot on which your residence lies. It shall also include hotels, motels, shared rental units, and similar facilities.
 2. With the exception of Exempted Businesses, as defined below, that all businesses operating within Frio County are required to cease all activities as any facility located in the incorporated or unincorporated portions of Frio County. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities in their own residences (i.e. working from home or operating of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.
 - (i) **Definitions of Exempted Business and Exempted Individual Activity:**
 - (a) For purposes of this Executive Order, **Exempted Activities** are defined as follows:
 - i) **Health and Safety Activities.** For example, to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.

- ii) **Necessary Supplies.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to other (for example, food, pet supply and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences);
- iii) **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet; and/or
- iv) **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.

(b) For purposes of this Executive Order, **Exempted Businesses** are defined as follows:

- i) **Healthcare Services.** For example, healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare supplies, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any relate and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. *Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures.*
- ii) **Government Functions.** For example, those services provided by local government needed to ensure the continuing operation of government agencies to provide for the health, safety, and welfare of the public including law enforcement and operation of jails and detention facilities, fire and EMS or otherwise necessary for health and safety of resident of Frio County.
- iii) **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and companies engaged in science or engineering research and development.

- iv) **Infrastructure, Development, Operation and Construction.** For example, public works construction, maintenance or repair; construction, maintenance and repair of housing; or other types of construction, maintenance and repair including commercial manufacturing, airport operations and aircraft manufacturing, water, sewer, gas, electrical, oil, refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
- v) **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, a) vehicle manufacturers, automotive suppliers and parts department, car dealerships, parts distributors, maintenance and repair facilities; b) public transportation; c) businesses supporting airport operations; d) street and highway maintenance and construction; e) gas stations and other fuel distribution businesses; f) vehicles for hire including taxis and rideshare.
- vi) **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and we-based services.
- vii) **Food, Household Staples and Retail.** For example, food service providers, including grocery stores, warehouses stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples for pick-up or businesses that ship or deliver grocers, food, goods or services directly to residences. Nothing shall restrict businesses supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants, prepared food retailers, microbreweries, microdistilleries, or wineries and other facilities that prepare and serve food, but **only for delivery, curbside pick-up or carry out.** Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis.
- viii) **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- ix) **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example, hotels and other

temporary residence facilities, laundromats, dry cleaners, and laundry service providers, trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, and storage for essential Businesses. This shall include plumbers, electricians, exterminators, HVAC technicians, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Exempted Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

- x) **News Media.** To include newspapers, television, radio, and other licensed media services.
- xi) **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and service providers as well as companies' insurance services and products.
- xii) **Childcare Services.** To include childcare facilities providing services that enable employees exempted in this Executive Order to work as permitted. To the extent possible, childcare facilities must operate under the following conditions:
 - 1. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 4. Childcare providers shall remain solely with one group of children.
- xiii) **Worship Services.** Religious and worship services may only be provided by video, teleconference or other remote measures.
- xiv) **Funeral Services.** For example, funeral homes, crematoriums and cemeteries, provided that social distancing of 6 feet per person is maintained to the greatest extent possible.
- xv) **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency ("CISA") and outlined at: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

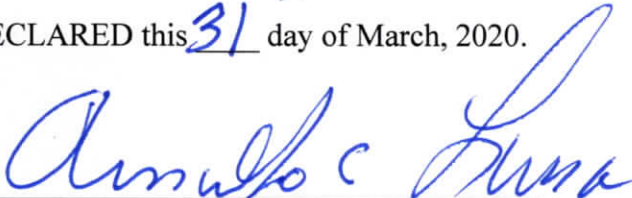
- xvi) **Food Cultivation.** Food cultivation, including farming, livestock, and fishing, provided that social distancing of 6 feet per person is maintained to the greatest extent possible.
 - xvii) **Laundry Services.** Laundromats, dry cleaners, and laundry service providers, provided that social distancing of 6 feet per person is maintained to the greatest extent possible.
 - xviii) **Mail and Delivery Services.** Business providing mailing and shipping services, including post office boxes.
3. That Frio County rental property owners temporarily suspend evictions for at least the next 7 days to prevent renters from being displaced due to the public health emergency.
 4. That foreclosure proceedings within Frio County be temporarily suspended for at least the next 7 days to prevent the displacement of occupants during the public health emergency.
 5. That residents of Frio County conduct essential Frio County business online or via regular mail to avoid visiting any Frio County facilities unless absolutely necessary.
 6. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or services on 11:59 p.m. on March 19, 2020 and continuing during the pendency of this Executive Order:
 - 1) Groceries, beverages, toilet articles, ice;
 - 2) Restaurant, cafeteria, and boarding-house meals; and
 - 3) Medicine, pharmaceutical, and medical equipment and supplies.
 7. That as of the date of this Executive Order and continuing for the remainder of the period set out in the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-0944 and the Court of Criminal Appeal of Texas in Misc. Docket No. 20-008, all courts within Frio County restrict non-essential in person proceedings in accordance with this Executive Order.
 8. That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic and follow the current policies and procedures in place for isolation and quarantine.
 9. That any peace officer or other person with lawful authority is

hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.

10. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provisions, and to this end, the provisions of this Executive Order are severable.

II. 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 Executive Order and any other executive order of the Governor, the strictest order shall prevail.

DECLARED this 31st day of March, 2020.



ARNULFO C. LUNA
Frio County Judge

FILED

At 1:44 o'clock P M

This 31st day of March 2020

Aaron T. Ibarra

Clerk County Court FRIO COUNTY, TX

BY: [Signature] DEPUTY