

STATE OF TEXAS §
 §
COUNTY OF JEFF DAVIS §

**THIRD AMENDED ORDER #2020-02-3A
OF THE JEFF DAVIS COUNTY COMMISSIONERS COURT
PART 2: SHELTER IN PLACE ORDER**

WHEREAS, the Jeff Davis County Commissioners Court voted to renew, extend, and continue the County Judge’s Emergency Disaster Declaration due to a Local Health Emergency on March 26, 2020 in Order No. #2020-02; and

WHEREAS, with the continued spread of the COVID-19 virus and the Travel Advisories and Orders issued by the CDC and Governor Abbott since that time, further emergency measures are necessary to protect the health and welfare of Jeff Davis County residents from the introduction and spread of COVID-19, especially for our elderly and at-risk populations; and

WHEREAS, Pursuant to Texas Health and Safety Code §121.003(a), the commissioners court of a county may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, the Jeff Davis County Commissioners Court Order No. 2002-02 is hereby amended to add Part 2, a Shelter in Place Order, to take effect at 11:59 on March 31, 2020 and to remain in effect through April 24, 2020; and

WHEREAS, as of April 2, 2020, the CDC confirmed 213,144 cases and 4,513 deaths from COVID-19 in the United States; and as of April 23, 2020, the CDC confirmed 828,441 cases and 46,379 deaths; and

WHEREAS, as of April 2, 2020, the Texas Department of State Health Services confirmed 4,699 cases and 70 deaths from COVID-19 in the State of Texas; and as of April 23, 2020, the state confirmed 21,944 cases and 561 deaths; and

WHEREAS, in order to be clear and consistent, the Jeff Davis County Commissioners Court hereby amends Part 2 of Ordinance #2020-02 to clarify the conditions of self-quarantine on April 2, 2020, and also clarifying intent for consistency with state and federal orders, by enacting the changes and amendments incorporated herein; and

WHEREAS, in order to achieve consistency between Parts 1 and 2 of Order 2020-02, the Jeff Davis County Commissioners Court hereby amends Part 2 on April 20, 2020 to modify Section I. c. to remove the requirement that small public or private

gatherings may only include members of the same household, and to specify that small gatherings shall be limited to ten (10) people or less, practicing social distancing and common sense; and

WHEREAS, in order to be consistent with the expiration date of GA-14 (Essential Services/Shelter in Place) and the stated timeline for additional directives from Governor Abbott, the Jeff Davis County Commissioners Court hereby extends Part 2 of Order 2020-02 to be effective until 11:59 p.m. on April 30, 2020 or until modified by official action of the Jeff Davis County Commissioners Court or the Governor of the State of Texas; and

WHEREAS, in light of Governor Abbott's Executive Order GA-15 opening up medical facilities for elective and non-emergency medical procedures, the Jeff Davis County Commissioners Court hereby deletes section I. e. (elective medical and dental procedures) and creates an exemption to the 14-day self-quarantine requirement for Jeff Davis County residents who leave the tri-county area **solely** to seek elective, non-emergency, or emergency medical treatment, so long as public contact is minimized and social distancing and hygiene requirements are followed as specified in Section II. d. of this Order, as added on April 23, 2020:

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF JEFF DAVIS COUNTY, TEXAS:

I. MANDATORY SHELTER IN PLACE.

- a. All individuals currently living within Jeff Davis County are ordered to shelter at their current place of residence.
- b. All businesses operating within Jeff Davis County, except Essential Businesses, are required to cease all activities at facilities.
- c. All public or private gatherings of more than ten (10) people occurring outside or inside are prohibited. Private gatherings of ten (10) people or less are allowed, but participants should use social distancing and common sense in their interactions.
- d. A restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; and microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law.

II. REQUIREMENT TO SELF-QUARANTINE.

- a. Any individual, including any visitor(s), resident(s), or landowner(s) with a first or second residence in Jeff Davis County, is required to self-quarantine for at least fourteen (14) days if:

1. returning to Jeff Davis County from another state or from an area, county, or city in Texas that has active COVID-19 cases; or
 2. if they have been exposed at any time during the preceding month to an individual who has contracted the COVID-19 virus.
- b. For purposes of this section, self-quarantine means the person's movement is restricted to their own residence. Self-quarantined individuals may not leave their residences to perform essential business or essential personal activities during the 14-day self-quarantine period. Food and supplies must be brought to a self-quarantined individual and left outside the gate or otherwise on the property (porch, driveway, etc.) to prevent direct contact between self-quarantined individuals and individuals not under self-quarantine.
 - c. If one individual in a household is under self-quarantine, then the entire household must self-quarantine unless the self-quarantined individual is completely isolated (own bedroom and bathroom, food left outside the bedroom door) from other members of the household. If isolation is not possible within the home, then all members of the household are subject to self-quarantine for the applicable 14-day period.
 - d. Consistent with Governor Abbott's Executive Order GA-15 opening up medical facilities for elective and non-emergency procedures, an exemption from the 14-day self-quarantine requirement is hereby created for individual(s) leaving the tri-county area **solely** to seek medical treatment. Individuals requiring emergency, non-emergency, or elective medical treatment outside the tri-county area shall minimize contact with the public at large while in areas with active COVID-19 cases, and shall utilize social distancing and hygiene requirements as set out by the CDC, including the recommended use of face masks. These individuals are also expected to exercise personal and social responsibility, and to voluntarily self-quarantine for 14 days if they engage in activities that bring them into contact with the general public in a location with active COVID-19 cases (for example, shopping at Lowe's, Sam's, Walmart, H.E.B, or other big-box stores in El Paso, Midland/Odessa, San Angelo, or elsewhere).

III. ESSENTIAL ACTIVITIES.

Individuals may leave their residence only to perform Essential Activities, such as:

- a. 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 medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home).
- b. To obtain necessary services or supplies for themselves and their family or

household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking [including walking pets], biking, hiking, running, hunting, and fishing).
- d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- e. To care for a family member or pet in another household.

IV. ESSENTIAL SERVICES.

According to Governor Abbott's Executive Order dated March 31, 2020 (GA-14), "Essential services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting www.tdem.texas.gov/essentialservices.

Links to the Texas Department of Emergency Management and the United States Homeland Security Department's lists of essential services may be found at the following links:

<https://tdem.texas.gov/essentialservices/>

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

According to GA-14, "[in] providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from home unless they are essential services that cannot be provided through remote telework.

"This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station.

providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.”

V. CHURCH AND WORSHIP SERVICES.

In accordance with Governor Abbott’s Executive Order GA-14, church and worship services are classified as an Essential Service. It is strongly recommended that services be held virtually to minimize the risk of spread of COVID-19. If religious services cannot be conducted from home or through remote services, then parishioners inside a church or place of worship are limited to ten (10) individuals per separate space. All parishioners shall practice Social Distancing before, during, and after worship services, as well as practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

VI. OTHER APPLICABLE STATE OR FEDERAL ORDERS.

This Order is meant to be consistent with existing orders of the state and federal government and restrictions or allowances within same.

VII. DIRECTIVES TO IMPLEMENT THIS ORDER.

- a. Because the order specifically applies to all individuals currently living within Jeff Davis County, an individual must shelter in place unless an exemption applies. This includes all individuals who live within Jeff Davis County but work in another county.
- b. This Order does not require individuals to carry documentation as proof that they are employed by an essential business.
- c. This Order does not require Essential Businesses to take the temperature of employees that report to work.
- d. Nothing in this Order prevents a non-essential business from conducting business online or via Zoom.
- e. Essential services personnel shall, to the extent possible, implement Social Distancing as set out by the U.S. Centers for Disease Control and Prevention.

VIII. VIOLATIONS AND PENALTIES.

- a. In accordance with Texas Government Code §418.173, a person who knowingly

or intentionally violates this Order commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

IX. CONFLICT IN TERMS.

To the extent possible, the provisions of Part I and Part 2 of this Order shall be harmonized. In the event of a conflict between provisions, Part 2 of this Order (Shelter in Place) shall control and supersede any conflicting provision in Part 1. To the extent that there is a conflict with the First Supplemental Declaration Continuing Local Disaster due to Public Health Emergency signed by Jeff Davis County Judge Kerith Sproul on April 3, 2020, the Emergency Declaration shall control during its 7-day effective period. To the extent that any provision in Order #2020-02 Part 1 or Part 2 is in conflict with GA-14, GA-15, GA-16, or GA-17, the stricter interpretation shall apply unless superseded by the terms of Governor Abbott's Executive Orders.

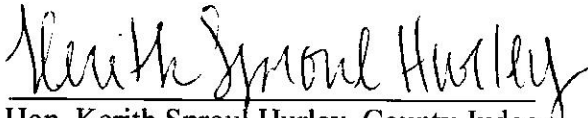
X. SEVERABILITY.

It is hereby declared to be the intention of the Jeff Davis County Commissioners Court that the phrases, sentences, paragraphs, and sections of this order are severable. If any part of this order shall be ruled unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutional phrase, sentence, paragraph, or section shall be severed from the order by operation of the judgment; however, this unconstitutionality shall not affect the remaining phrases, sentences, paragraphs, and sections, which shall remain in full force and effect.

XI. EFFECTIVE DATE AND DURATION.

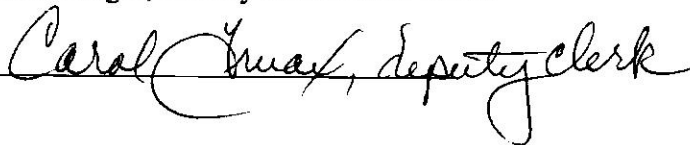
This Third Amended Part 2 of Order #2020-02 supersedes all previous Part 2 Shelter in Place Orders in Jeff Davis County, is effective immediately upon issuance, and shall continue through 11:59 p.m. on April 30, 2020 unless modified by official action of the Jeff Davis County Commissioners Court or by Executive Order of the Governor of the State of Texas.

THIS THIRD AMENDED ORDER IS HEREBY APPROVED, ORDERED, AND ADOPTED by the Jeff Davis County Commissioners Court on this the 23rd day of April, 2020, by a vote of 5 Ayes and 0 Nays.


Hon. Kerith Sproul Hurley, County Judge

ATTEST:

Jennifer Wright, County and District Clerk

By:  Deputy Clerk

APPROVED AS TO FORM:


Teresa L. Todd, County Attorney