

STATE OF TEXAS §
 §
COUNTY OF JEFF DAVIS §

**ORDER #2020-02 OF 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. 2002-02; 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 11:59 on April 24, 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 any number of people occurring outside a single household or living unit are prohibited, except as provided in the Order.
- 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.

- e. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to 10 people or less when preparing for or conducting video or teleconference services, and all individuals must maintain a social distancing of six feet.
- f. All elective medical, surgical, and dental procedures are prohibited anywhere in Jeff Davis County. Medical and veterinary clinics are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the COVID-19 epidemic.

II. REQUIREMENT TO SELF-QUARANTINE.

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

- a. coming to Jeff Davis County from another state or from an area, county, or city in Texas that has active COVID-19 cases; or
- b. if the individual has been exposed at any time during the preceding month to an individual who has contracted the COVID-19 virus.
- c. If any individual described above is a member of a household, then the entire household shall be subject to a 14-day quarantine.

III. ESSENTIAL ACTIVITIES.

Individuals may leave their residence only to perform the following Essential Activities:

- 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, and/or running).
- 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 BUSINESSES.

All essential businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, including customers standing in line.

People who are sick, at high risk of severe illness from COVID-19, or are the primary caregivers to people at high risk of severe illness from COVID-19, are urged to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order, "people at high risk of severe illness from COVID-19" are people who meet the CDC definition of higher risk.

a. ESSENTIAL HEALTHCARE OPERATIONS.

1. Hospitals, clinics, dentists, pharmacies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services.
2. Home-based and residential-based care for seniors, adults, or children.
3. Because this exemption is meant to be viewed broadly to avoid any impacts to the delivery of healthcare, the following are deemed essential healthcare operations:
 - Chiropractic providers.
 - Physical therapy providers.
4. Veterinary care is included under this exception, but not elective veterinary medical, surgical, and dental procedures. Animal rescue and shelter operations are included in this exception.
5. There is no requirement that essential healthcare operations be provided via telemedicine.

b. ESSENTIAL GOVERNMENT FUNCTIONS.

1. All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety, and welfare of the public including first responders, law enforcement, emergency

medical services, emergency management services, financial services, courts, prosecutors, and related staff.

2. School personnel to include essential staff as identified by the Fort Davis and Valentine ISD Superintendent or Board of Trustees. Said person(s) are authorized to leave their residences for the authorized purposes as specified by their Superintendent or Board of Trustees;
3. Families of school-aged children for the limited purpose of obtaining meal and instructional packets for their children;

c. ESSENTIAL CRITICAL INFRASTRUCTURE.

1. Public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations.
2. Individuals providing critical infrastructure services as defined by the Department of Homeland Security, as specified and cited in Section 6.B. of Part 1 of this Order.

d. ESSENTIAL RETAIL.

1. Grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products, household staples, and stores selling products necessary to maintain the safety, sanitation, and essential operation of residences;
2. Agriculture, food, and beverage cultivation, processing, and distributing, including but not limited to farming, ranching, fishing, greenhouses, dairies, creameries, coffee roasters, vineyards, distilleries and breweries, as well as businesses that are necessary to supply agriculture, food, and beverage cultivation, processing, and distribution;
3. Businesses that ship or deliver groceries, food, goods, or services directly to

residences.

4. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
5. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. In addition, obtaining necessary supplies for family or household members is an essential activity.
6. Banking and financial institutions.
7. Laundromats, dry cleaners, and laundry service providers.
8. Gas stations, auto-supply, auto and bicycle repair, hardware stores, and related facilities.
9. Auto repair is included as a facility related to gas stations, auto-supply, auto and bicycle repair, hardware stores. Auto dealers are included as a related facility to auto repair.
10. Retail stores that sell food products and/or household staples that are essential, such as:
 - Dollar stores and mercantiles.
 - Neighborhood markets.
 - Pet and animal supply stores.
11. Plant nurseries are essential businesses that supply other Essential Businesses with the support of supplies needed to operate.

e. PROVIDERS OF BASIC NECESSITIES TO ECONOMICALLY DISADVANTAGED POPULATIONS.

1. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
2. Food pantries are included.

f. OTHER ESSENTIAL SERVICES.

1. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries.
2. Local (tri-county only) plumbers, electricians, HVAC repairs, exterminators, house cleaners, lawn care and yard maintenance, handyman, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses.
3. Accredited or licensed (tri-county only) professional services such as legal, accounting, barber, and hair salon.
4. Astronomical research activities conducted remotely or by essential personnel at the University of Texas McDonald Observatory.
5. Apartment leasing/hotel/motel services for individuals who provide essential functions or who are required to self-quarantine, in accordance with Part I. of this Order.
6. Security personnel.
7. Computer and cell phone repair businesses.
8. Business that supply products necessary for people to work from home.
9. The County Judge may grant a waiver from this Order for any Essential Service not covered herein; in this case, any waiver will be reviewed and either approved, approved with conditions, or denied by the Jeff Davis County Commissioners Court within the next 10 days.

g. NEWS MEDIA.

Newspapers, television, radio, and other media services.

h. CHILDCARE SERVICES.

Childcare facilities providing services that enable exempted employees to work as

permitted.

V. MINIMUM BASIC OPERATIONS FOR NON-ESSENTIAL BUSINESSES AND SERVICES

- a. Except for Essential Healthcare Operations, Businesses, Services, and Infrastructure Operations as set out above, all operating businesses located within Jeff Davis County, or using a facility in the county, shall cease all business activities other than minimum basic operations.
- b. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
 1. The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and/or
 2. The minimum necessary activities to facilitate employees or the business being able to continue to work remotely from their residences.

VI. ESSENTIAL TRAVEL

- a. All travel is prohibited except for Essential Travel.
 1. Essential Travel includes:
 - A) Travel into or out of Jeff Davis County to perform Essential Personal Activities, Healthcare Operations, operate Essential Businesses, or to maintain Essential Governmental Functions and Essential Infrastructure Operations as specified herein;
 - B) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - C) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
 - D) Travel to return to a place of residence from outside the jurisdiction;
 - E) Travel required by law enforcement or court order; and
 - F) Travel required for non-residents to return to their place of residence outside

Jeff Davis County. Individuals are strongly encouraged to verify that their transportation out of the county remains available and functional prior to commencing such travel.

2. Individuals engaged in any Essential Travel shall comply with all Social Distancing Requirements, including:
 - A) Maintaining at least a six-foot social distancing from other individuals;
 - B) Washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, especially after touching any public object (for example, gas pumps, door handles, countertops, mailboxes, ATM keypad, credit/debit card terminal);
 - C) Covering coughs or sneezes (into the sleeve or elbow, not hands);
 - D) Regularly cleaning high-touch surfaces; and
 - E) Not shaking hands or hugging.

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, via Zoom, or via delivery provided Social Distancing and Recommended Hygiene are maintained at all times.
- e. Essential personnel and businesses 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.

b. This Order may be enforced by any certified Peace Officer in Jeff Davis County.s

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.

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

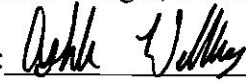
Part 2 of this Order is effective at 11:59 p.m. on March 31, 2020, and shall continue through 11:59 on April 24, 2020 unless modified by official action of the Jeff Davis County Commissioners Court.

APPROVED, ORDERED, AND ADOPTED this the 30th day of March, 2020, by a vote of 5 Ayes and 0 Nays.


Kerith Sproul Hurley, County Judge

ATTEST:

Jennifer Wright, County and District Clerk

By:  Deputy Clerk
9

APPROVED AS TO FORM:


Teresa L. Todd, County Attorney