

ORDER OF THE COUNTY JUDGE AND COMMISSIONERS COURT OF  
MCLENNAN COUNTY, TEXAS EXTENDING DECLARATION OF DISASTER  
AND PUBLIC HEALTH EMERGENCY FOR AND IN MCLENNAN COUNTY,  
TEXAS, AND SETTING FORTH REGULATIONS TO PREVENT THE SPREAD  
OF COVID-19

WHEREAS, COVID-19 remains a worldwide pandemic; and

WHEREAS, COVID-19 continues to pose a threat to the health of the citizens of McLennan County, Texas; and

WHEREAS, there continues to exist a disaster and public health emergency in McLennan County, Texas; and

WHEREAS, there continues to be a need for regulations to prevent the spread of COVID-19.

BE IT ORDERED BY THE COUNTY JUDGE AND COMMISSIONERS COURT OF  
MCLENNAN COUNTY, TEXAS THAT:

1. The foregoing recitals are incorporated herein and made findings of fact.
2. The declaration of the state of disaster and public health emergency in and for McLennan County is extended through May 15, 2020.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk. This instrument shall also be posted on the County's webpage.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the County's emergency management plan.
5. All decisions herein are based on medical advice and direction,
6. In compliance with the Governor's Order, all individuals currently living within McLennan County (the "County") may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate or patronize Essential Businesses or Re-Opened Businesses, all as defined in Section 9. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation). To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person (other than persons in the same household) when they are outside their residence.
7. All businesses with a facility in the County, except Essential Businesses and Re-Opened

Businesses as defined below in Section 9, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 9. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent feasible, Essential Businesses and Re-Opened Businesses should comply with Social Distancing Requirements as defined in Section 9 and “Texas Helping Texans: The Governor’s Report to Open Texas of April 27, 2020” and as amended by the Governor (hereafter referred to as the “Open Texas Report”).

8. People riding on public transit must comply with the Minimum Standard Health Protocols for Retail Customers in the Open Texas Report and Social Distancing Requirements as defined in Section 9 below, to the greatest extent feasible.

9. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities:"

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

iii. To engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle. Except for members of a residence who are sheltering together, the individuals shall comply with Social Distancing Requirements as defined in this Section;

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and

v. To care for a family member or pet in another household.

But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid



any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the 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 its corporate or entity structure.

f. For the purposes of this Order, "Essential Businesses" means every business listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, 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 any approved additions.

g. For the purposes of this Order, "Re-Opened Businesses" mean:

i. Retail businesses that are not Essential Businesses may provide retail services through pick up, delivery by mail, or delivery to the customer's door step (effective back to April 24, 2020);

ii. Retail establishments that provide in-store retail services but only at 25 percent of the total listed occupancy of the business;

iii. Restaurants and other facilities that prepare and serve food for dine-in restaurant services but only at 25 percent of the total listed occupancy of the restaurant, provided that:

a. This only applies to restaurants that have less than 51 percent of their gross

- receipts from the sale of alcoholic beverages and therefore are not required by the Texas Alcoholic Beverage Commission to post the 51 percent sign;
- b. Valet services are prohibited except for those vehicles with placards/plated for disabled parking;
  - iv. Movie theaters but only at 25 percent of the total listed occupancy for any individual theater for any screening;
  - v. Shopping malls but only at 25 percent of the total listed occupancy of the shopping mall, provided, however, that within the shopping malls, the food-court dining areas, play areas, and interactive displays and settings shall remain closed;
  - vi. Museums and libraries but only at 25 percent of the total listed occupancy, provided that any interactive components or functions, such as child play areas, shall remain closed;
  - vii. Individuals working alone in an office;
  - viii. Golf course operations; and
  - ix. Such additional businesses as may be enumerated by future orders or proclamations of the Governor.

For Re-Opened Businesses, the businesses should comply with the Social Distancing Requirements of this section and the Minimum Standard Health Protocols in the Open Texas Report. **For Reopened Services having a 25% occupancy restriction, it is the business owner and/or operator's obligation and duty to assure that the occupancy restriction is not exceeded. Failure to do so is a violation of this Order.**

- h. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
  - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; and
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- j. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.
- k. For purposes of this Order, "Social Distancing Requirements" includes 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, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

10. Businesses except for Essential Businesses and Re-Opened Businesses shall remain closed except for maintaining Minimum Basic Operations as defined herein.

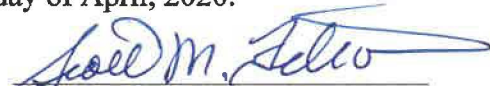
11. When people need to leave their places of residence, whether to obtain or perform vital



services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 9 above.

12. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
13. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this Resolution shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.
14. That any violation of this resolution can be enjoined by a suit filed in the name of the County in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order and state law.
15. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this resolution.
16. All provisions of this Order should be interpreted to effectuate this intent.
17. That the terms and provisions of this resolution shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this resolution shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this resolution and the remainder of such resolution shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.
18. That this resolution is effective at 12:01 a.m. on Friday, May 1, 2020 except as specifically noted herein as being currently effective.

ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS  
AND ITS COUNTY JUDGE on this the 28th day of April, 2020.

  
SCOTT M. FELTON, COUNTY JUDGE  
MCLENNAN COUNTY, TEXAS

ATTEST:

  
McLennan County Clerk  
or Designated Deputy Clerk