

Second Amended Order under Declaration of Disaster

FOR

Potter County

WHEREAS, on March 13, 2020, Texas Governor Greg Abbot declared a state of emergency related to the outbreak of COVID-19 and suspended multiple state statutes and rules to promote social distancing protocols; and

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and

WHEREAS, on March 18, 2020, The Mayor of the City of Canyon declared a local disaster; and

WHEREAS, on March 18, 2020, the Mayor of the City of Amarillo declared a local disaster; and

WHEREAS, on March 18, 2020, the County Judges of Potter and Randall County declared a local disaster; and

WHEREAS, on March 23, 2020, the Commissioners Court of Potter County extended the declaration of a local disaster until further order of the Commissioners Court or until Governor Greg Abbott vacates, rescinds, or cancels the statewide declaration of disaster; and

WHEREAS, it is imperative that the Local Health Authority receive the most up to date information concerning all aspects of COVID-19 testing conducted at public, private and commercial laboratories in order to better coordinate communication and response to a local and state disaster; and

WHEREAS, Section 81.042 of the Health and Safety Code requires that laboratories communicate and report instances of communicable infectious disease to local public health authorities; and

WHEREAS, based on consultations with medical experts and learning from the experience of other communities, I find that each provision of this Order is prudent, necessary or convenient to protect the public health, safety, or welfare by: (i) reducing unnecessary social interactions thereby slowing the spread of disease in our community; or (ii) constraining routine non-emergent medical and dental services in order to conserve the limited stores of healthcare supplies and other medical resources in our community for emergencies and the fight against

Covid-19; or (iii) attempting to assure essential businesses remain available to serve the public despite the restrictions ordered herein.

NOW, THEREFORE, IT IS ORDERED BY THE COUNTY JUDGE OF THE COUNTY OF POTTER, TEXAS:

1. That the local state of disaster declared for the County of Potter, Texas pursuant to Section 418.108(a) of the Texas Government Code has been extended by order of the Potter County Commissioners Court until further order of the Potter County Commissioners Court, or until the statewide declaration of disaster is vacated, rescinded, or canceled by Governor Greg Abbott, whichever occurs earlier; and

2. Pursuant to Section 418.108(c) of the Government Code, this Order under the extended declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk; and

3. Pursuant to Section 418.108(d) of the Government Code, the extended declaration of a local state of disaster activated the county emergency operations plan; and

4. That the extended declaration authorizes Potter County to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units, emergency shelters for evacuees, or for the provision of medical or healthcare services subject to compensation requirements, pursuant to §418.020(c) of the Texas Government Code.

5. That the extended declaration, under authority of the Texas Disaster Act of 1975, Chapter 418, Texas Government Code, authorizes the County to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress in the County, and fining those who do not comply with the County's rules, pursuant to §122.006 of the Health and Safety Code.

6. That all individuals living in the territorial limits of Potter County, Texas, including within any incorporated municipality within Potter County, are **ORDERED to stay at home consistent with the direction and guidance in this Order**. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least 6 feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Travel, Essential Activities, or to provide or perform

Essential Governmental Functions, or to operate Essential or Low-Risk Businesses, all as defined in Section 15.

7. That all businesses operating within Potter County, except Essential or Low-Risk Businesses as defined in below in Section 15, are required to close to the public. To the greatest extent possible, all **businesses may continue operations consisting exclusively of the following nature but shall adhere to social distancing protocols of a least 6 feet for all employees, contractors, and members of the public:**

- a. Performing activities at their own residences (i.e. working from home);
- b. Operations necessary to maintain security, payroll, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
- c. Information Technology ("IT") or other operations that facilitate employees working from home;
- d. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
- e. In-store repair services performed by employees in a store or facility closed to the public. To the greatest extent possible, all Essential Businesses shall maintain 6 foot social distancing for both employees and the general public.

8. That a restaurant with or without drive-in or drive through services; drive-in restaurant; drive-through restaurant; liquor store; or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law. In no event shall more than ten nonemployees be present inside of a business covered by this section at any one time.

9. **That all public or private gatherings of any number of people occurring outside a single household or living unit are PROHIBITED**, except as otherwise provided herein. Nothing in this declaration prohibits the gathering of members of a household or living unit.

10. That all elective medical, surgical, and dental procedures are prohibited anywhere in the County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can

be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

11. That if someone in a household has tested positive for COVID-19, the household is ORDERED to isolate at home. 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.

12. That nursing homes, retirement, hospice, and long-term care facilities are ORDERED to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

13. That all travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential or Low-Risk Business, or Essential Government Function, as defined herein, is PROHIBITED. To the greatest extent feasible, people riding on public transit shall comply with social distancing of 6 feet or more.

14. That individuals experiencing homelessness are strongly urged to maintain social distancing of 6 feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter shall coordinate with the County to isolate the individual solely for the purpose of complying with the requirements of this declaration. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.

15. Definitions:

a. For purposes of this declaration, individuals may leave their residence only to perform any of the following “**Essential or Low-Risk Activities**”:

(1) 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).

(2) 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 and livestock supplies, and any other household consumer products, and

products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.

(3) To engage in outdoor activity, provided the individuals comply with social distancing requirements of 6 feet (for example, walking, biking, hiking, golfing, fishing, or running). Outdoor activities do not include activities that by their inherent nature do not allow for social distancing. Amenities (such as playgrounds, sports courts, athletic fields for group sports, skate parks, group pavilions or shelters) at public parks are closed to the public by this declaration.

(4) To perform work providing essential products and services at an Essential Business, to otherwise carry out activities directly related to government or health care response to the COVID-19 pandemic, or to perform any other activities specifically permitted in this declaration.

(5) To care for a family member or pet in another household.

b. For purposes of this Order, “**Essential or Low Risk Businesses**” means:

(1) Essential Health Care Services. Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this declaration.

(2) Essential Government Functions. 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. All Essential Government Functions shall be performed in compliance with social distancing requirements of 6 feet, to the extent possible.

(3) Essential Critical Infrastructure Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other private transportation providers such as Uber and Lyft that provide transportation services necessary for the performance of Essential Activities, Essential or Low-Risk Businesses, essential infrastructure, or Essential Government Functions, 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, and essential manufacturing operations.

(4) Essential Retail. Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, gas stations, convenience stores, and farmers' markets that sell food products and household staples, pet and feed stores. Food cultivation, including farming, fishing, and livestock. Businesses that are not open to the public but that ship or deliver groceries, food, and other essential goods directly to residences. Liquor stores and restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through or carry out. 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. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants are closed except for pick-up and room service.

(5) Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.

(6) Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential or Low-Risk Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences,

(7) Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other Essential Businesses with support or supplies needed to operate.

(8) News Media. Newspapers, television, radio, and other media services.

(9) Financial Institutions. Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, and title companies.

(10) Real Estate Transactions. Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.

(11) Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential or Low-Risk Business to work as permitted.

(12) 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 the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform health care services or other Essential or Low-Risk Business services.

(13) Construction. Construction under a valid permit issued by a governmental entity.

(14) Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time.

(15) Security-related services and equipment for protection of persons, residences, or business which includes security patrols, alarm monitors, dispatch, and retail sales of firearms and ammunition.

(16) Moving Supply Services. Businesses that provide residential and/or commercial moving services and necessary moving supplies.

c. **Essential Travel**. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

(1) Any travel related to the provision of or access to Essential or Low-Risk Activities, Essential Governmental Functions, and Essential or Low-Risk Businesses;

(2) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

(3) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

(4) Travel to return to a place of residence from outside the jurisdiction;

(5) Travel required by law enforcement or court order, specifically including, but not limited to, orders for possession or custody of a child or children;

(6) Travel by church staff/clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;

(7) Travel related to a funeral service; or

(8) Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

16. That this declaration hereby authorizes the use of all lawfully available enforcement processes.

17. Reporting & Cooperation: (a) In accordance with state law all public, private, and commercial laboratories operating within the County performing COVID-19 testing shall report by 5:00PM each day for the prior 24-hour period to the Public Health District:

- (1) the number and patient demographic information of COVID-19 tests performed; and
- (2) the number and patient demographic information of positive COVID-19 tests.
- (3) the number and patient demographic information of negative COVID-19 tests.

Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the County and mitigate and contain the spread of COVID-19.

(b) Every business and company allowed to remain open shall promptly cooperate with the Public Health District (Local Health Authority) when such entity requests pertinent information in the course of a “contact investigation” arising out of a customer, passenger, vendor, or other person believed to have entered or used the services of such business. The business shall provide all requested information, including full identity and contact information for each employee, agent operator, manager, contractor, or other person reasonably implicated or suspected in the course of such investigation, for whom the business has such information.

18. All stores remaining open shall by **12:00 a.m. on March 31, 2020** comply with the following requirements:

(a) Shall ensure that at all times customers are queued in such a manner that there is at least 6 feet of space between each person.

(b) Shall take extra measures to sanitize common surfaces including but not limited to carts, baskets, credit card machines, check-out lanes, restroom door handles, sink faucets.

(c) All employees shall ensure they maintain proper hygiene through frequent handwashing.

(d) Any employee who is exhibiting any symptoms of illness shall be sent home.

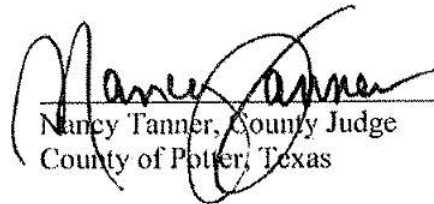
19. That this Order shall take effect at 11:59 pm on March 30, 2020, and shall be in effect until further Order of the Potter County Commissioners Court.

20. The County Judge may amend these restrictions as necessary to respond to evolving circumstances of this outbreak during the duration of the extended disaster declaration.

21. That all prior Declarations and Orders issued by the County Judge or confirmed by the Commissioners' Court not contrary to the terms of this First Amended Declaration of Disaster remain in full force and effect.

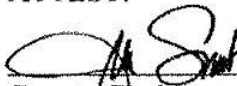
22. That peace officers are hereby authorized to enforce this Order. Violations of this Order subject the violator to a fine of up to \$1,000.00, confinement in jail for up to 180 days, or both such fine and confinement, as authorized by Section 418.173, Texas Government Code.

ORDERED this the 30th day of March, 2020 at 10:30 (a.m/p.m.).



Nancy Tanner, County Judge
County of Potter, Texas

ATTEST:



County Clerk
County of Potter, Texas

