



COUNTY ORDER 20-017
IN RESPONSE TO THE CONTINUING PUBLIC HEALTH EMERGENCY
AND MITIGATING THE SPREAD OF COVID-19

WHEREAS, pursuant to Texas Government Code Section 418.108, Hidalgo County Judge Richard F. Cortez issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to the imminent threat arising from the Coronavirus (COVID-19); and,

WHEREAS, on March 22, 2020, in accordance with Texas Government Code Section 418.108(b), the Commissioners Court of Hidalgo County issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Hidalgo County Emergency Management Plan and extends the Declaration of Local Disaster; and,

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent of the Commissioners Court authorizes the Hidalgo County Judge to continue to exercise powers granted under the Texas Disaster Act of 1975; and,

WHEREAS, Governor Abbott, by Proclamation, amended Executive Order GA-28 and issued Executive Order GA-29, related to the use of face-covering, and outdoor gatherings during the COVID-19 disaster, and the County issued County Order 20-014 on September 14, 2020; and

WHEREAS, Governor Abbott recently issued Executive Order GA-32 Relating to the continued response to the COVID-19 disaster as Texas reopens;

WHEREAS, Hidalgo County continues to evaluate the circumstances regarding the Public Health Emergency related to COVID-19, and the ongoing substantial and moderate spread of the disease in the community, with a persistent number of active positive cases, hospitalizations, and deaths; and

WHEREAS, Hidalgo County understands the need to address efforts to reopen the community with a goal towards the continued mitigation of the spread of COVID-19;

NOW THEREFORE, PURSUANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT of 1975, in response to the continuing Public Health Emergency related to COVID-19, Hidalgo County Judge Richard F. Cortez does hereby issue Hidalgo County Order 20-017 effective at **12:01 a.m., October 26, 2020**, as follows:

As part of the continuing efforts by Hidalgo County Judge Richard F. Cortez and the Commissioners Court of the County of Hidalgo to mitigate the spread of COVID-19 during this public health emergency, and to the extent that Governor Abbott has issued Executive Order GA-32, the intent of this Order is to adhere to the limitations currently imposed on the GA-32, and promote continuing operations of commercial business entities with the applicable Health and Safety Measures prescribed within this Order. During this Declared Emergency, and as authorized by law, the County may amend, revise and/or update this order based on the continued evaluation of circumstances directly related to the COVID-19 Public Health Emergency.

FACIAL COVERING:

In accordance with Governor Abbott's Executive Order GA-29, every person in the County of Hidalgo shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space; wherever it is not feasible to maintain six (6) feet of physical distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. Any person younger than ten (10) years of age;
2. Any person with a medical condition or disability that prevents wearing a face covering;
3. Any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. Any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. Any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. Any person obtaining services that require temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
7. Any person while the person is in a swimming pool, lake, or similar body of water;
8. Any person who is voting, assisting a voter, serving as a poll watcher, or activity administering an election, but wearing a face covering is strongly encouraged;
9. Any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. Any person while the person is giving a speech for a broadcast or to an audience.

VULNERABLE POPULATION

ALL persons over the age of 65, are strongly encouraged to stay at home as much as possible; to maintain appropriate physical distance from any member of the household who has been out of the residence in the previous fourteen (14) days; limit visits from outside of the household members; if leaving the home, to implement physical distancing and to practice good hygiene, environmental cleanliness, and sanitation. People may visit nursing homes, state-supported living centers, assisted living facilities, or long-term care facilities determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state-supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities as appropriate.

OUTDOOR GATHERINGS:

In accordance with Governor Abbott's Proclamation amending Executive Order GA-32, any outdoor gathering in excess of ten (10) people is prohibited, unless the Mayor of the City in which the gathering is held or the Hidalgo County Judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval is made subject to applicable conditions or restrictions.

The following outdoor areas or outdoor venues shall operate at no more than seventy-five percent (75%) of the normal operating limits as determined by the owner:

- 1.) Swimming pools;
- 2.) Water parks;
- 3.) Museums and libraries;
- 4.) Zoos, aquariums, natural caverns, and similar facilities;
- 5.) Amusement parks

The following indoor or outdoor venues shall operate at no more than fifty percent (50%) of the normal operating limits as determined by the owner:

- 1.) Professional, collegiate, and similar sporting events
- 2.) Rodeos and equestrian events,

BUSINESS OPERATIONS:

In accordance with Governor Abbott's Executive Order GA-32, every business shall operate at no more than seventy-five percent (75%) of the total listed occupancy of the establishment, however, there is no occupancy limit for the following:

- a. Any services listed by the U.S. Department of Homeland Security's Cyber Security and Infrastructure Security Agency (CISA) in its *Guidance on the Essential Critical Infrastructure Workforce*, Version 3.1 or any subsequent version;
- b. Religious services conducted in churches, congregations, and houses of worship;
- c. Local government operations, including county and municipal government operations relating to licensing (marriage licenses), permitting, recordation, document-filing services, or as determined by the local government (including but not limited to public foreclosure sales);
- d. Child-care services;
- e. Youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps, and other daytime and overnight camps for youth;
- f. Recreational sports programs for youths and adults;
- g. Drive-in concerts, movies, or movie or similar events, under guidelines that facilitate appropriate physical distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle;

- h. The following establishments that operate with at least six (6) feet of physical distancing between workstations; cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.

HEALTH AND SAFETY MEASURES FOR SAFE BUSINESS OPERATIONS

All commercial business entities operating within Hidalgo County shall remain at seventy-five percent (75%) of the total listed occupancy limit. It is highly encouraged and recommended that to the extent possible, covered services should be provided by curbside, drive-through, or take-out.

All bars and similar establishments that receive more than fifty-one percent (51%) of their gross receipts from the sale of alcoholic beverages MUST remain CLOSED, but may remain open for delivery and take-out, including for alcoholic beverages, as authorized by the Texas Alcoholic Beverage Commission (TABC).

Bar areas within restaurant establishments must follow Minimum Standard Health Protocols relevant to operations of the business or entity services and must not permit customers to loiter at the bar or in common areas, only provide services to seated individuals in “bar” areas, discouraging activities that enable close physical contact in the “bar” areas.

Commercial business entities that are providing goods and services directly to the public, **including but not limited to open-air (flea markets, farmers markets), and retail businesses** must develop and implement “Health and Safety Practices” that require employees and customers to follow additional hygiene measures. The Health and Safety Practices **MUST** require: that all employees and customers to the commercial covered entity’s business premises or other facilities **wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief**, when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or to customers where six (6) feet of separation is not feasible. The Health and Safety Practices required shall not interfere with the operation of functions of CISA and religious services.

Additional Health and Safety Practices required to be developed and implemented by this Order **SHALL** also include additional mitigating measures designed to control and reduce the transmission of COVID-19, in compliance with the *Governor’s Strike Force to Open Texas - Open Texas Checklists; Phase III*. Business Resources and Open Texas-Checklist, in addition to the Covered entities enumerated below, additional entities may be found at the following link:

<https://open.texas.gov/>

Commercial Business Retailers should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as using dividers between individuals if six (6) feet physical distancing is not available between employees and/or customers inside the facility, conduct temperature checks or health screenings at entrances. Commercial Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Retailers.pdf>

Employers of covered entities should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as training all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette, not allow employees with known close contact to a positive for COVID-19 person to return to work until the end of a fourteen (14) day self-isolation period, and/or conducting temperature checks or health screenings of employees. Employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Employers.pdf>

Event Organizers should follow Minimum Standard Health Protocols relevant to the operations of the business or entity services. Events held indoors, other than a church ceremony, are limited to fifty percent (50%) of the total listed occupancy of the facility. All patrons must wear a face covering (over nose and mouth) wherever it is not feasible to maintain six (6) feet of physical distance from another individual not in the same household. Minimum Standard Health Protocols should be followed such as modifying entry and exit procedures to ensure individuals are able to maintain six (6) feet separation from individuals outside their a group while entering and exiting the facility; no tables of more than 10 individuals; for facilities that configure seating arrangements in rows, maintain at least two (2) seats (or six (6) feet separation) between groups in any row (except that two (2) or more members of the same household or two (2) individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two (2) seats empty on either side), and alternate rows between patrons (every other row left empty) as appropriate.

Event Organizers providing food service must not leave condiments, silverware, flatware, glassware, or other table top items on an unoccupied table; provide condiments upon request; use new disposable menus for each patron; clean and disinfect the area used for dining after each group of patrons departs; have serving staff sanitize or wash hands between interactions with patrons.

There is no limit on the number of individuals for an outside facility, provided that individuals are following proper physical distancing guidelines. If the facility has outdoor seating, individuals should avoid being in groups larger than ten (10) persons; within a group, persons should, to the extent possible, minimize in-person contact with others not in the same household when maintaining six (6) feet of separation is not feasible, individuals must utilize other methods such as wearing a face covering or mask, washing or sanitizing hands frequently, and avoid sharing utensils or other common objects. Any use of golf carts, neighborhood electric vehicles, or other off-highway vehicles that are used on facility premises and/or will be present at an event, occupancy should be limited to one person per vehicle, unless all occupants are members of the same household. At least six (6) feet of distance between vehicles should be maintained at all times.

Event Organizers should regularly and frequently disinfect items and equipment that come into contact with patrons (tables and chairs etc.); provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the facility for use by employees and patrons. Clean and sanitize the facility regularly and at least daily.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Employers.pdf>

Restaurants are encouraged to continue services with curbside, drive-thru, and takeout. Restaurants should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as continuing to provide pick-up, drive-thru or delivery services, maintain at least six (6) feet of physical distance between tables, or four (4) feet physical distance between tables if the restaurant uses a partition, and conducting temperature checks or health screenings at entrances. Restaurant Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Restaurants.pdf>

Cosmetology Salons/Hair Salons are strongly recommended to follow Minimum Standard Health Protocols relevant to operations of these types of business or entity because of the proximity between individuals in these facilities. Cosmetology salons may operate provided they can ensure at least six (6) feet physical distance between operating workstations; regularly and frequently disinfect items and equipment that come into contact with customers; provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the salon for use by employees and customers and for use on equipment; sanitize surfaces and equipment between uses; Cosmetology Salon/Hair Salon Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Cosmetology-Hair-Salons.pdf>

Nail Salons/Shops are strongly recommended to follow Minimum Standard Health Protocols relevant to operations of these types of business or entity, because of the proximity between individuals in these facilities. Nail Salons may operate provided they can ensure at least six (6) feet physical distance between operating workstations, schedule appointments to limit amount of persons in facilities; regularly and frequently disinfect items and equipment that come into contact with customers; provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the salon for use by employees and customers and for use on equipment; sanitize surfaces and equipment between uses. Nail Salon Covered entities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Nail-Salons.pdf>

Gyms and Exercise Facilities and Classes whether indoor, outdoor, individual, or group should follow Minimum Standard Health Protocols relevant to operations of the business or entity services such as space workout equipment to provide as least six (6) feet of separation between patrons; regularly and frequently disinfect items and equipment that come into contact with customers; provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the gym or exercise facility or class for use by employees and customers and for use on equipment, including dead weights; Gyms and Exercise Facilities and Classes may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Gyms-Exercise-Facilities.pdf>

Bowling Alleys, Bingo Halls, and similar interactive amusement facilities must ensure at least six (6) feet physical distance between operating lanes, playing customers, or other interactive games (as appropriate). Minimum Standard Health Protocols should be followed relevant to operations of the business or entity services such as the use of engineering controls, like dividers between individuals, if six (6) feet of separation is not available between employees and/or customers inside the facility; regularly and frequently disinfect items and equipment that come into contact with customers; provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the facility for use by employees and customers and for use on equipment; disinfecting rental equipment before and after customer use; Bowling Alleys, Bingo Halls, and similar interactive amusement facilities may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Bowling-Alleys-Bingo-Halls-Simulcasting-Skating-Rinks.pdf>

Weddings, Wedding Reception Venues and other services required to conduct weddings may operate. Weddings and Wedding Receptions held indoors, other than a church ceremony, are limited to fifty percent (50%) of the total listed occupancy of the facility. All patrons must wear a face covering (over nose and mouth) wherever it is not feasible to maintain six (6) feet of physical distance from another individual not in the same household. Minimum Standard Health Protocols should be followed relevant to operations of the business or entity services such as having an employee or staff member manage and control access to the venue, including opening doors to prevent attendees from touching door handles; regularly and frequently disinfect any regularly touch surfaces, such as doorknobs, tables, and chairs; regularly and frequently cleaning restrooms, and document cleanings; provide hand sanitizer, disinfecting wipes, soap and water, and equipment cleaning products throughout the facility for use by employees and attendees. Weddings and Wedding Reception Venues may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and attendees.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Wedding-Reception-Venues.pdf>

Movie Theaters may operate up to fifty percent (50%) of the total listed occupancy of the facility. All patrons must wear a face covering (over nose and mouth) wherever it is not feasible to maintain six (6) feet of physical distance from another individual not in the same household. Minimum Standard Health Protocols should be followed relevant to operations of the business or entity services such as utilizing remote ticketing options to help manage capacity limitations; ensure proper spacing between patrons in the movie theater; for movie theaters that configure seating arrangements in rows, maintain at least two (2) seats (or six (6) feet separation) between groups in any row (except that two (2) or more members of the same household, or two (2) individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two (2) seats empty on either side); provide at least six (6) feet of separation between groups of up to ten (10) individuals who attend the movie theater together; disinfect seats and frequently touched areas between screenings. Movie theaters may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and attendees.

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Movie-Theaters.pdf>

Public schools may operate as provided by, and under the minimum standard health protocols found in guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.

<https://tea.texas.gov/texas-schools/health-safety-discipline/covid/coronavirus-covid-19-support-and-guidance>

In accordance with Governor Abbott’s Executive Order GA-29, following a verbal or written warning for a first-time violation of this face-covering requirement, a person’s second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

In accordance with Governor Abbott’s Executive Order GA-29, local law enforcement and local officials should enforce this Order, as well as other local restrictions that are consistent with this Order and other Executive Orders issued by Governor Abbott.

No law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this Order; provided, however, that law enforcement may enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This Order shall remain in full force and effect until it is modified, rescinded, superseded, or amended pursuant to applicable law, and/or the status of COVID-19 in the County of Hidalgo, Texas. This Order supersedes prior Orders, as it relates to outdoor gatherings, and in the event of a conflict or apparent conflict between the Orders, this Order shall control.

It is the intent of this Order to remain as consistent with executive orders of Governor Greg Abbott. This Order is in addition to the executive orders issued by Governor Greg Abbott. As such, to the extent that this County Order may be inconsistent with any orders issued by the Governor, then the Governor’s Order shall control, but only to the extent this order may not restrict essential services or covered services, allow gatherings prohibited by Executive Order GA-30, or related to facial covering as set forth in Executive Order GA-29.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED this _____ day of October, 2020.

Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo, Hidalgo County Clerk