

SEP 04 2020

Sylvia Garza-Perez
CAMERON COUNTY CLERK
By [Signature] Deputy



Eddie Treviño, Jr.
County Judge

**FOURTH AMENDED EMERGENCY MANAGEMENT ORDER
INCLUDING MANDATORY FACIAL COVERINGS, CURFEW,
LIMITATIONS ON GATHERINGS, SHELTER-IN-PLACE, AND
BEACH ACCESS PARTIAL OPENING**

WHEREAS, pursuant to Texas Government Code Section 418.108, Cameron County Judge Eddie Treviño, Jr., declared a state of local disaster on March 16, 2020, due to the imminent threat arising from COVID-19; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 21, 2020, the Cameron County Commissioners Court approved Cameron County Commissioners Court Order Extending Coronavirus/COVID-19 Disaster Declaration; and

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

WHEREAS, on September 1, 2020, according to the Texas Department of State Health Services (DSHS), in less than a month's time, Texas' positive cases have increased from 481,483 to 617,333 a 78% increase within 25 days. Out of 254 Texas counties, Cameron County ranks seventh in most positive cases, fifth with most COVID-19 related deaths, and third with most active cases, as per DSHS. Between August 8, 2020, and September 1, 2020, the total number of recorded COVID-19 cases in Cameron County went from 16,590 to 21,048 and from 430

deaths to 767 deaths within the same time period; and

WHEREAS, though County numbers are still increasing, albeit at a slower pace; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and DSHS, and by approval of the Cameron County Commissioners Court which authorized the Cameron County Judge to take such actions as are necessary in order to protect the health and safety of the citizens of Cameron County by the issuance of orders; and

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of the ongoing public health emergency; and

WHEREAS, on June 17, 2020, the Cameron County Judge issued Amended Emergency Management Order Including Mandatory Facial Coverings; and

WHEREAS, on June 29, 2020, the Cameron County Judge issued a Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, and Beach Access Closures; and

WHEREAS, on July 10, 2020, the Cameron County Judge issued Extension of the Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, and Beach Access Closures; and

WHEREAS, on July 24, 2020, the Cameron County Judge issued

the Second Extension of Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, Shelter-in-Place and Beach Access Closures; and

WHEREAS, on August 10, 2020, the Cameron County Judge issued the Fourth Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, Shelter-In-Place, and Beach Access Closures; and

WHEREAS, it is the intent of this Fourth Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations On Gatherings, Shelter-In-Place, and Beach Access Partial Reopening to remain as consistent and to harmonize with, to the extent possible, the executive orders of Governor Greg Abbott and the current declarations of the Mayors of the cities in Cameron County (as extended or modified); and

WHEREAS, by the authority vested in the County Judge and as the Emergency Management Director for the County to continue to protect the health and safety of the community and address the developing and rapidly changing circumstances when presented by the current public health emergency, he hereby issues this Fourth Amended Emergency Management Order including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, Shelter-in-Place, and Beach Access Partial Reopening; and

WHEREAS, the purpose of this Order is to reduce vulnerability of people and the community to injury and loss of life resulting from COVID-19; and

WHEREAS, this Order is put in place for prompt and efficient care and treatment of persons victimized or threatened by COVID-19 through the authorization and provision for cooperation in disaster mitigation, preparedness, response and recovery thereby coordinating activities relating to disaster mitigation, preparedness, response, and recovery by federal, state, and local entities; and

WHEREAS, this order will provide a setting conducive to the rapid

and orderly restoration and rehabilitation of persons and property affected by COVID-19; and

WHEREAS, failure to comply with any of Governor Abbott's Executive Orders issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000.00 and may be subject to regulatory enforcement; and

WHEREAS, pursuant to Texas Government Code Sec. 418.173(b) and the Cameron County Emergency Plan, it is an offense to violate a condition or restriction of any Order issued by the County Judge, during the public health disaster. Said offense shall be punished by a fine not to exceed \$500.00, except that the offense shall be punished by a fine not to exceed \$1,000.00 if it is shown on the trial of the offense that the person has been previously convicted an offense under this section.

THEREFORE AND ACCORDINGLY PURSUANT TO THE TEXAS DISASTER ACT OF 1975, THE COUNTY JUDGE HEREBY ISSUES THIS FOURTH AMENDED EMERGENCY MANAGEMENT ORDER AS FOLLOWS:

Effective as of 11:59 p.m. on Monday, September 7, 2020, (*"Effective Date"*), and continuing until September 21, 2020 at 11:59 p.m., unless extended, modified, or terminated early by the County Judge or as otherwise indicated below:

1. PUBLIC HEALTH EMERGENCY

- a. This Fourth Amended Emergency Management Order continues the local disaster declaration and public health emergency for Cameron County for the period specified in this Fourth Amended Emergency Management Order.
- b. This Fourth Amended Emergency Management Order incorporates and adopts by reference all currently active orders issued/promulgated by the Governor relating to the COVID-19 disaster.

2. FACE COVERINGS - GENERAL PUBLIC

- a. All people 10 years or older shall wear a face mask covering their nose and mouth when in a public place or working in areas that involve close proximity with other coworkers.¹ Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Cameron County residents or visitors should continue to maintain social distancing of at least six feet while outside their home.

- b. IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.
 - i. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.

- c. Face coverings do not need to be worn in the following circumstances:
 - i. When exercising or engaging in outside physical activities;
 - ii. While driving alone or with passengers who are part of the same household as the driver;
 - iii. When doing so poses a greater mental or physical health, safety, or security risk;
 - iv. While pumping gas or operating outdoor equipment; and
 - v. When actively consuming food or drink.

- d. BE ADVISED: Face coverings are a secondary strategy to other mitigation efforts. Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask.

¹ The CDC advises face coverings for people 2 years or older.

- e. All people should:
 - i. Wash their hands frequently before you leave and return home;
 - ii. Practice Social Distance by staying at least six feet away from others;
 - iii. Avoid touching nose, face, or eyes;
 - iv. Not use disposable masks more than three times; and
 - v. Wash reusable cloth masks regularly to prevent the spread of the virus.
- f. It is strongly recommended that people should Shelter-In-Place, not to leave their home unless conducting essential activities or performing essential services or essential travel;
- g. Following a verbal or written warning for a first-time violator 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. A citation under this provision does not absolve or limit the liability of a premise operator/owner for their obligations under other parts of this order.

3. CURFEW

- a. In addition to the recommendation to Shelter-In-Place, a curfew for all persons is imposed.
 - i. Unless accompanied by a parent or guardian or engaging in essential travel, no person seventeen and/or younger maybe outside their residence between the hours of 10:00 p.m. to 6:00 a.m.
 - ii. Unless seeking emergency assistance or engaged in essential travel no person may be outside their residence between the hours of 12:00 a.m. and 5:00 a.m.
- b. It is an offense under the Texas Disaster Act of 1975 and the Cameron County Emergency Management plan to violate the

curfew issued in the June 29, 2020 Order and extended herein.

- c. "Essential Travel" includes travel for the following purposes:
- i. Any travel related to the provision of or access to Essential Services² including for employment purposes;
 - ii. Any travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - iii. Any travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and business operations;
 - iv. Any travel to return to a place of residence from outside the jurisdiction;
 - v. Any travel to and from a place of employment;
 - vi. Any travel required by First Responders, Law Enforcement or court order;
 - vii. Any travel required for non-residents to return to their place of residence outside the County; and,
 - viii. Any travel required by medical personnel or any travel required for medical assistance.

4. HEALTH AND SAFETY POLICY – COMMERCIAL ENTITIES

- a. All commercial entities in the County providing goods or services directly to the public must adopt and post a health and safety policy ("*Health and Safety Policy*").
- i. Said Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible.
- b. The Health and Safety Policy may also include the

² See <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings.

- c. Commercial entities must post the required Health and Safety Policy in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.
- d. Failure by the owner/operator of a Commercial Entity to develop, implement, and ensure compliance with the Health and Safety Policy by employees, visitors, and/or patrons of said commercial entity shall be punishable by a fine not to exceed \$500 for each individual violation.

5. COMMERCIAL ENTITIES

- a. Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

- i. There is no occupancy limit for the following:

- 1. Any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
- 2. Religious services, including those conducted in churches, congregations, and houses of worship;
- 3. Local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
- 4. Child-care services;
- 5. 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 youths; and
- 6. Recreational sports programs for youths and adults;

- b. Except as provided below by paragraph e., this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner (organized fishing tournaments and similar recreational activities are excluded from the term/definition of recreational sports activities):
 - i. Professional, collegiate, or similar sporting events;
 - ii. Swimming pools;
 - iii. Water parks;
 - iv. Museums and libraries;
 - v. Zoos, aquariums, natural caverns, and similar facilities; and
 - vi. Rodeos and equestrian events;
- c. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
 - i. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
 - ii. 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
 - iii. Other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services;
- d. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner;
- e. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph (a), (b), or (d), the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an

unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;

- i. Exceptions: Wedding Venues, among all other business entities, must adhere to Governor Abbott's Reopen Texas Plan found on the DSHS website;³
- f. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing;
- g. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment;
- h. For purposes of this Fourth Amended Emergency Management order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed;
- i. Staff members are not included in determining operating levels, except for manufacturing services and office workers;
- j. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group;
- k. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the

³ <https://www.dshs.state.tx.us/coronavirus/opentexas.aspx>

previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation;

- l. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS;
- m. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering;
- n. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as 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 HHSC, including minimizing the movement of staff between facilities whenever possible;
- o. Operating permits, occupancy permits, and other locally granted permits may be revoked if a commercial entity is found not to be in compliance with these provisions, the Texas Governor Executive Orders or any local order issued by the Cameron County Judge;
- p. The owner/operator of a commercial entity may be subject to a fine not to exceed \$500 for each individual violation of said orders. Every person within or on the premises of the commercial entity who is in violation of any Order shall be considered a violation for which the commercial entity and/or operator shall be held liable; and
- q. Party boats, pleasure boats, and any other such businesses offering the use of a boat, vessel, motorboat, outboard motor, or personal watercraft, as defined by §31.003 of the Texas Parks and Wildlife

Code, for use in the navigable waterways of the State of Texas within Cameron County are *commercial entities* and subject to the “Health and Safety Policy-Commercial Entities” portion of the Order.

6. COUNTY PARKS AND BEACH ACCESS POINTS RESTRICTIONS

a. By order of the County Judge the County Parks and County beach access areas are open with restrictions at 12:00 a.m. beginning September 8, 2020. This includes the following parks and beach access areas which are now open at 50% capacity:

- i. Isla Blanca Park;
- ii. Andy Bowie Park;
- iii. E.K. Atwood Park;
- iv. Bejarano-McFarland Memorial Park;
- v. Pedro “Pete” Benavides Park;
- vi. Laureles Regional Park;
- vii. El Ranchito Community Park;
- viii. El Ranchito Recreational Park;
- ix. Santa Maria Community Park;
- x. La Paloma Regional Park;
- xi. Santa Rosa Community Park; and,
- xii. La Esperanza Community Park.

b. The following beach access areas are open at 100% capacity:

- i. North Flats;
- ii. County Beach Access No. 3;
- iii. County Beach Access No. 4;
- iv. County Beach Access No. 5;
- v. County Beach Access No. 6; and
- vi. Boca Chica Beach.

c. All groups of visitors must be 20 feet away from the next nearest group. This includes the distance of their vehicles if at one of the beach access points listed above in 10(b). Violation of this restriction can result in criminal and civil penalties as allowed by

state and local law, including the Cameron County Emergency Management Plan. Groups may also be asked to leave premises as well.

7. HWY 100 (PARK ROAD 100)

- a. Parking on the shoulder of Park Road 100/Ocean Blvd. north of Edwin King Atwood Park is hereby prohibited.
- b. The owner/operator of a vehicle in violation of this provision shall be punished by a fine not to exceed \$500.
- c. Driving over or walking over the dunes to access the beach is prohibited. A violation of this prohibition is subject to civil and criminal penalty under this Order and other state and local statute/ordinance.
- d. Driving or walking around barricades at closed access points is prohibited. A violation of this prohibition is subject to civil and criminal penalty under this Order and other state and local statute/ordinance.

8. SOCIAL GATHERINGS

- a. No groups of more than 10 persons that are not members of a single family may assemble socially whether indoors or outdoors.
- b. Except as provided in GA-28 or in the minimum standard health protocols recommended by DSHS,⁴ people should take care when gathering in groups including by required use of facial coverings and adhering to social distancing requirements and good hygiene practices.

9. CAMERON COUNTY ESSENTIAL BUSINESS

- a. All persons are encouraged to:

⁴ Found at www.dshs.texas.gov/coronavirus.

- i. Conduct essential County business online or via regular mail; and,
- ii. Avoid visiting any County Building/Facility unless absolutely necessary.

10. NO OCCUPANCY LIMIT FOR LOCAL GOVERNMENT OPERATION

- a. In accordance with Governor Abbott's Executive Orders there is no occupancy limit for 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).

11. SEVERABILITY

- a. The sections, paragraphs, sentences, clauses, and phrases of this Fourth Amended Emergency Management Order are severable and if any phrase, clause, sentence, paragraph, or section of this Fourth Amended Emergency Management Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Fourth Amended Emergency Management Order are severable.

12. INTERPRETATION AND ADDITIONAL TERMS

- a. To the greatest extent possible, this Fourth Amended Emergency Management Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor.
- b. All provisions of the executive orders of the Governor, either existing or as, if and when issued, which are made applicable to

all jurisdictions by law shall be automatically incorporated into and constitute terms of this Fourth Amended Emergency Management Order, enforceable and is set forth herein without necessity for the issuance of any further orders.

13. ENFORCEMENT

- a. In accordance with the limitations contained in the executive orders of the Governor, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Fourth Amended Emergency Management Order in accordance with the authority granted under the Texas Disaster Act of 1975 and the Cameron County Emergency Management Plan.
- b. All existing state executive orders relating to COVTD-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVJD-19 disaster.

NOTE: IF THE NUMBER OF POSITIVE CASES SPIKES OR SURGES, THE COUNTY JUDGE RESERVES THE RIGHT TO RETURN TO A MORE RESTRICTIVE ORDER.

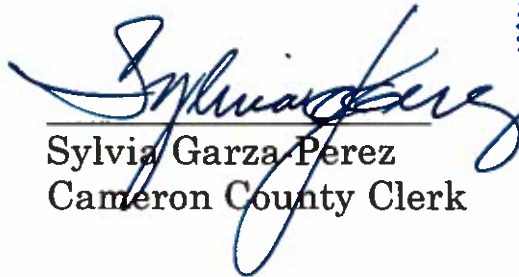
FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

SO ORDERED this 4th day of September 2020.



Eddie Treviño, Jr.
Cameron County Judge

ATTESTED BY:



Sylvia Garza Perez
Cameron County Clerk

