

FILED
AT 5:00 O'CLOCK P M

MAR 09 2021

ARTURO GUAJARDO, JR. COUNTY CLERK
HIDALGO COUNTY, TEXAS
BY _____ DEPUTY



COUNTY ORDER 21-003
RELATED TO THE OPENING OF TEXAS IN RESPONSE TO THE
CONTINUING PUBLIC HEALTH EMERGENCY

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, the Texas Department of Health and Human Services (DSHS) notified Hidalgo County Judge Richard F. Cortez that Trauma Service Area V, which includes the County of Hidalgo, no longer meets the threshold set out in Executive Order GA-32, is no longer defined as an area of high hospitalization, and so Hidalgo County reopened businesses to the higher levels allowable under Executive Order GA-32;

WHEREAS, Governor Abbott, by Executive Order GA-34, by virtue of the power and authority vested in him under Section 418.012, ordered that all counties not in an area with high hospitalizations are no longer mandated to wear face coverings and lifted operating limits for any business or other establishment; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Gregg Abbott, and the transmission of COVID-19 remains a threat to the health and safety of the residents of the County of Hidalgo; and

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

NOW THEREFORE, PURSUANT TO THE AUTHORITY VESTED BY THE TEXAS DISASTER ACT OF 1975 AND GOVERNMENT CODE CHAPTER 418, IN RESPONSE TO THE CONTINUING PUBLIC HEALTH EMERGENCY RELATED TO COVID-19, AND TO

REDUCE THE INFECTION RATE OF THE PEOPLE CONSIDERED AT RISK THAT WILL REQUIRE HOSPITALIZATION AND TO LIMIT DEATH FROM COMPLICATIONS OF COVID-19, HIDALGO COUNTY JUDGE RICHARD F. CORTEZ DOES HEREBY ISSUE HIDALGO COUNTY ORDER 21-003 EFFECTIVE AT 12:01 A.M., MARCH 10, 2021 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-34, the intent of this Order is to adhere to the limitations currently imposed on Executive Order GA-34, and address the ongoing operations of commercial business entities with the goal towards continued mitigation of the spread of COVID-19. 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 order to ensure measures remain in place to protect the health, safety, and welfare of County residents and to mitigate the spread of the Covid-19 virus, it is **RECOMMENDED AND STRONGLY ENCOURAGED** that every person in the County of Hidalgo follow current and/or updated *Centers for Disease Control and Prevention (CDC) COVID-19 Your Health/Need* to know guidelines and shall wear a face covering over the nose and mouth when inside a business or other establishment, a space open to the public, or when in an outdoor public space, and avoid crowds; 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 recommendation does not apply to the following:

1. Any person younger than 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 requires 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.

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/need-to-know.html>

BUSINESS OR OTHER ESTABLISHMENT OPERATIONS:

In accordance with Governor Abbott’s Executive Order GA-34, there are NO COVID-19 related operating limits for any business or other establishment; provided however that it is **RECOMMENDED AND STRONGLY ENCOURAGED** that businesses continue to limit occupancy and operate at a percentage of the total listed occupancy of the establishment that is reasonably necessary to maintain six feet (6) of physical distancing between employees and customers.

In order to ensure measures remain in place to protect the health, safety, and welfare of County residents and to mitigate the spread of the Covid-19 virus, it is **RECOMMENDED AND STRONGLY ENCOURAGED** that business or other establishment follow current and/or updated *Centers for Disease Control and Prevention (CDC) COVID-19 Workplace and Businesses Guidance*, and require all employees and customers to follow hygiene measures when on business or other establishment premises, including but not limited to requiring employees and customers to wear some form of covering over their mouth and nose, 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.

<https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/specific-industries.html>

Businesses and other establishments are **RECOMMENDED AND STRONGLY ENCOURAGED** to follow the current and/or updated *Occupational Safety and Health Administration (OSHA) Guidance on Preparing Workplaces for COVID-19*; businesses are encouraged to continue the use of existing “Work Safe” measures or “Reopening” plans that have been required by and/or submitted to a municipal jurisdiction where the business entity operates in order to ensure measures are in place to protect the health, safety and welfare of County residents and to mitigate the continued spread of the Covid-19 virus.

<https://www.osha.gov/sites/default/files/publications/OSHA3990.pdf>

In compliance with Executive Order GA-34, ALL persons, providing or obtaining services from businesses or other establishments are strongly encouraged to use good-faith efforts and all available resources to follow the health recommendations provided by the Texas Department of State Health Services (DSHS) found in the link below:

<https://dshs.texas.gov/coronavirus/>

OUTDOOR GATHERINGS:

In accordance with Governor Abbott’s Executive Order GA-30, any outdoor gathering in excess of ten (10) people may be 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 the gathering, and such approval is made subject to applicable conditions or restrictions which are not inconsistent

with this Order.

HOUSEHOLD SOCIAL GATHERINGS

It is **RECOMMENDED AND STRONGLY ENCOURAGED** that household social gatherings, including family gatherings, shall not include more than ten (10) persons.

PUBLIC SCHOOLS

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 to similar standards.

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

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. Visiting nursing homes, state supported living centers, assisted living facilities, or long-term care facilities shall follow 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.

<https://hhs.texas.gov/services/health/coronavirus-covid-19>

In accordance with Governor Abbott's Executive Order GA-34, no jurisdiction may impose confinement in jail as a penalty for violating any order issued in response to COVID-19.

No jurisdiction may impose a penalty of any kind for failure to wear a face covering or failure to mandate employee or customers wear face-coverings, except that a legally authorized official may act to enforce trespassing laws and remove violators at the request of a business or other 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 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.

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 9th day of MARCH, 2021.

Richard F Cortez

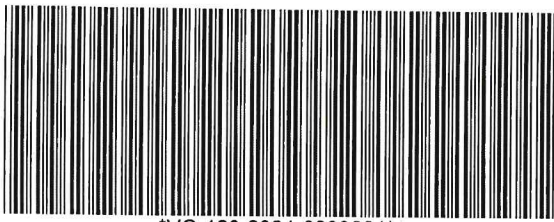
Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo

Arturo Guajardo, Hidalgo County Clerk





VG-120-2021-3200621

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3200621

Billable Pages: 5

Recorded On: March 09, 2021 05:03 PM

Number of Pages: 6

*****Examined and Charged as Follows*****

Total Recording: \$ 0.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document No: 3200621
Receipt No: 20210309000418
Recorded On: March 09, 2021 05:03 PM
Deputy Clerk: Elisa Castillo
Station: CH-1-CC-K32

Record and Return To:

Office of the Hidalgo County Judge
Richard F. Cortez
100 E Cano Street
EDINBURG TX 78539



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas