



3rd ORDER RELATED TO COVID-19
BY
HAYS COUNTY JUDGE
RUBEN BECERRA

“STAY AT HOME, WORK SAFE”

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, On March 15, 2020, a Declaration of Local Disaster was issued by the Hays County Judge to allow Hays County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Hays County residents utilizing state and federal resources made available with the declaration, which was continued for 120 days by the Hays County Commissioners Court on March 16, 2020; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, on March 19, 2020, Governor Abbott issued Executive Order GA 08 Relating to COVID-19 Preparedness and Mitigation stating people shall avoid social gatherings in groups of more than 10 people and closed all schools until April 3, 2020; and

WHEREAS, the County Judge’s previous Orders have not achieved the desired outcome in combatting COVID-19, and since there have been 11 confirmed cases of COVID-19 within Hays County and the threat of community spread of the disease within Hays County warrants this 3rd Order;

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this “Stay at Home, Work Safe” Order requires all individuals residing anywhere within Hays County to stay at home, with exceptions and clarifications provided, below;

NOW, THEREFORE, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, I, RUBEN BECERRA HEREBY ORDER AS FOLLOWS:

SECTION 1. STAY AT HOME, WORK SAFE.

Effective as of 11 p.m. on March 26, 2020, and continuing until 4 a.m. on April 10, 2020, all individuals currently living within Hays County are ordered to stay at home at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. 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 six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined below.

All businesses operating within Hays County, except Essential Businesses as defined in below in Section 3, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six-foot social distancing for employees and the general public.

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 Order prohibits the gathering of members of a household or living unit.

SECTION 2. TRAVEL.

All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, except for purposes of Essential Activities or to perform or obtain services from an Essential Business, Essential Governmental Function, or Critical Infrastructure, as defined below. To the greatest extent feasible, people riding on public transit shall comply with Requirements in Exhibit A.

SECTION 3. ESSENTIAL ACTIVITIES.

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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed 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 (for example, food, pet supplies, and any other household consumer products, and products necessary to maintain safety, sanitization, and essential operation of residences).
- iii. To engage in outdoor recreational or fitness activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
- iv. To perform work providing essential products and services at an Essential Business or Essential Governmental Functions, or to otherwise carry out activities specifically permitted in this Order.
- v. To care for a family member or pet in another household.
- vi. To perform or obtain services from an Essential Business, or from an Essential Government Function, as defined in this Order.

- vii. To return home from or to another jurisdiction.

SECTION 4. ESSENTIAL BUSINESSES.

For purposes of this Order, “Essential Businesses” means:

- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, dental, or scanning procedures.
- ii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors, including public works construction, residential and commercial 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), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached hereto. Construction sites should limit site visitation to a single trade at one time in order to maintain social distancing standards.
- iii. **Grocery Stores and Other Suppliers.** Grocery stores, warehouse stores, big-box stores, liquor stores, gas stations and convenience stores, and/or farmers’ markets that sell food products, household staples, office supplies, hardware (e.g. electrical, plumbing, etc.), or suppliers of Essential Businesses or Essential Government Functions. Business that provide products to those businesses, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences.
- iv. **Food Services.** Restaurants and other facilities that prepare and serve food, but only for delivery 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. Businesses that ship or deliver groceries, food, goods or services directly to residences. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities, except that all activity shall be performed in compliance with social distancing guidelines attached hereto.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vi. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, lawn and property maintenance and security, warehouse/distribution and fulfillment, trucking, storage for essential businesses, funeral

homes, crematoriums and cemeteries. 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, including laundromats, dry cleaners, and laundry service providers.

- vii. **News Media.** Newspapers, television, radio, and other media services.
- viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted. Except that the following practices shall be observed: 1. Childcare must be carried out in groups of 10 or fewer children, each within the same group each day. Children shall not change from one group to another, and groups shall not comeingle. If a facility cannot prevent comingling of more than one group of children, then that facility should limit its total number of children to 10. Unless necessitated by overriding health and safety considerations, childcare providers shall remain solely with one group of children and not change groups. Please note that, pursuant to Section 6, subsection v, below, a municipality may provide stricter guidelines than this subsection.
- ix. **Gas Stations and Businesses Needed for Transportation.** Gas stations, automobile dealerships, auto-manufacturing and assembly, auto-supply, auto repair, RV sales/repair, bicycle sales/repair, and other related facilities. To the greatest extent possible, interaction with the public should be provided outdoors or in open areas where social distancing and compliance with Exhibit A may be maintained. Indoor activities should be limited to closing sales or other transactions.
- x. **Financial Institutions.** Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, title companies.
- xi. **Critical Trades.** Plumbers, electricians, exterminators, pool cleaners, HVAC providers, sign companies, and other service providers only to the extent that services are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Businesses, Essential Government Functions, and Essential Critical Infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other public works. Critical Trades does not include discretionary maintenance or improvements.
- xii. **Real Estate Services.** Services related to the marketing, sale, lease, or value of real estate, including but not limited to real estate brokers, title companies, surveyors, and/or appraisers, except that all activities shall be performed in compliance with Exhibit A.
- xiii. **Mail and Delivery Services.** Businesses providing mailing and shipping services, including post office boxes.
- xiv. **Certain Educational Activities.** Educational functions, including those of public and private K-12 schools, colleges, and universities, for purposes of distance education, temporary closure or maintenance of facilities, performing critical research, or performing essential administrative functions, provided that the Requirements in Exhibit A are maintained to the greatest extent possible.
- xv. **Transportation.** Airlines, taxis, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Critical Infrastructure, and/or Essential Government Functions.
- xvi. **Home-Based Care and Services.** Home-based care for seniors, adults, or children, including caregivers who may travel to provide care.
- xvii. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children and animals (including students who have no other option but to remain on campus at a lower or higher education institution).
- xviii. **Professional Services.** Professional services, such as legal services, accounting services, or

insurances services, only to the extent that the activity has been ordered to continue by a state entity (such as Office of Court Administration), or to the extent that service can be provided in compliance with Exhibit A.

- xix. **Information Technology Services/Telecommunications Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing, as well as telecommunications sales and services, internet access and broadband/communications services.
- xx. **Moving Services.** Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- xxi. **Hotels and Motels.** Hotels and motels, to the extent used for lodging or carry-out food services, but not for use of amenities such as swimming pools, saunas, or spas.
- xxii. **Religious Services.** Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing rule. Other church functions, including administrative, shall follow the guidelines in Exhibit A.
- xxiii. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services, provided that social distancing of six feet per person is maintained to the greatest extent possible.

SECTION 5. 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 shall continue. Further, nothing in this order shall prohibit any individual from accessing “Essential Government Functions.” Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions, including but not limited to support services such as Chambers of Commerce, non-profit support services, and the like. To the extent feasible, all Essential Government Functions shall be performed in compliance with the Requirements in Exhibit A. This Order does not apply to the Federal or State Government.

SECTION 6. ADDITIONAL ORDERS

- i. **Quarantine.** If someone in a household has tested positive for COVID-19, the entire household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function. Any person who displays symptoms of COVID-19, including fever, shortness of breath, or dry cough should refrain from leaving home and call the COVID-19 Hotline at (512) 393-5525.
- ii. **Elder Care Facilities.** Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
- iii. **Curfew.** Unless conducting or traveling to or from an Essential Activity, work at an Essential Business, or work at an Essential Governmental Function, members of the public shall remain at their residential properties between the hours of 11 p.m. and 4 a.m.
- iv. **Homelessness.** Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements, as defined in Exhibit A. Individuals experiencing homelessness are

strongly urged to obtain shelter, where it is available.

- v. **Prior Orders.** This Order, at the time and on the date for commencement of this Order cited in Section 1, above, shall replace the County Judge's 2nd Order, executed on March 19, 2020; and shall be applicable on a County-wide basis, except that a more restrictive order duly-authorized by municipal government within a city's corporate limits shall control within that municipality.
- vi. **Penalty.** The Hays County Sheriff's Office, Hays County Constables' Offices, the Hays County Fire Marshal's Office, and other peace officers, are hereby authorized to enforce this order, within their discretion. A person who willfully disregards or conspires to willfully disregard this order is considered to have violated an order authorized by Chapter 418 of the Texas Government Code and is subject to a fine of up to \$500 for each violation
- vii. **Notice to Public.** This Order shall be widely advertised to help accomplish the public health and safety objectives of the Hays County Local Health Department. Concerns or questions may be directed to publiccomments@co.hays.tx.us.

ORDERED this the 25th day of March, 2020.



EXHIBIT A

Hays County Local Health Department Social Distancing Recommendations

1) **Vulnerable Populations: Limit or Eliminate Time Outside the Home**

- Vulnerable populations include people who are:
 - 60 years old and older;
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems.
- For vulnerable populations, don't go to public places unless it is essential. Find ways to telecommute. Avoid contact with people.

2) **Workplace and Businesses: Minimize Exposure**

- Suspend nonessential employee travel.
- Prohibit employees from working within six feet of one another, unless necessary to provide continuity of services.
- Minimize or cancel in-person meetings and conferences.
- Require sick employees to stay home without providing a doctor's note and maximize flexibility in sick leave benefits.
- Utilize telecommuting options and alter schedules so that employees may be present at the workplace on different shifts and at different times.
- Sanitize common work spaces regularly, especially between shifts or after departure of one group of patrons or employees.
- Ensure that queuing inside and outside of businesses or workplaces maintains a 6-foot separation between patrons and make efforts to minimize the number of people within one space to 10 or less.

3) **Public Settings: Clean, Sanitize, and Prevent Contact**

- To the extent it is possible, doors should be automated or propped open to allow public access to areas without repeated contact by members of the public.
- Hand sanitizers, wipes, and other cleaning supplies should be provided at or near points of public contact, including but not limited to shopping carts, debit/credit card readers, and bathrooms.
- Daily cleaning and/or cleaning between business hours or shifts is essential.