

FILED
At 2:27 O'CLOCK P.M.

JAN 08 2021



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

COUNTY ORDER 21-001

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

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 has not dissipated and remains a significant threat to the health and safety of the residents of the County of Hidalgo and the number of people ending up in the hospital, ICU, or on ventilators is rising; and

WHEREAS, by letter dated January 7, 2021, the Texas Department of Health and Human Services (DSHS) notified Hidalgo County Judge Richard F. Cortez that Trauma Service Area V, which include the County of Hidalgo meets or exceeds the threshold set out in Executive Order GA-32 and is now an area of high hospitalization as a result of seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of the total hospital capacity exceeds 15 percent; and

WHEREAS, Governor Abbott's Executive Order GA-32 mandates that any business establishment in an area qualifying as an area of high hospitalization which is subject to the 75 percent occupancy or operating limit is thereafter required to reduce occupancy levels from 75 percent to 50 percent and medical facilities in those areas may no longer perform elective surgeries; and

WHEREAS, Hidalgo County continues to evaluate the circumstances regarding the Public Health Emergency

related to COVID-19, and the ongoing substantial and significant spread of the disease in the community, with an increased number of active positive cases, hospitalizations, and deaths; and

WHEREAS, the Hidalgo County Judge has determined the aforementioned extraordinary measures must be implemented to mitigate the effects of this public health emergency and facilitate a response to the public health threat, in an effort to reduce the spread of COVID-19;

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 21-001 EFFECTIVE AT 12:01 A.M., JANUARY 9, 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 the 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 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.

HOSPITAL AND SURGICAL PROCEDURES

All hospitals shall hereafter postpone all elective surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided however that this prohibition shall not apply to any surgery or procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete any hospital capacity needed to respond to the COVID-19 public health emergency.

COMMERCIAL BUSINESS OPERATIONS:

In accordance with Governor Abbott's Executive Order GA-32, every business shall operate at **no more than fifty percent (50%) 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 work stations; 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

In compliance with the *Governor's Strike Force to Open Texas - Open Texas Checklists; Phase III*, 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 adhere to Minimum Standard Health Protocols, and 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 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.

All bars and similar business 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, 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. Business Resources and Open Texas-Checklist may be found at the following link: <https://open.texas.gov/>

Commercial business entities may utilize 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 avoid the continued spread of COVID-19.

To the greatest extent possible, it is STRONGLY ENCOURAGED that each municipality within the jurisdiction of the County of Hidalgo adhere to and enforce, all available municipal ordinances and building code restrictions, including but not limited to commercial business entity Occupancy Limits or other Permitted Use restrictions.

OUTDOOR GATHERINGS:

In accordance with Governor Abbott’s Proclamation amending Executive Order GA-28, 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.

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

The following outdoor areas or outdoor venues shall operate at no more than fifty percent (50%) 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
- 6.) Professional, collegiate, and similar sporting events
- 7.) Rodeos and equestrian events

HOUSEHOLD SOCIAL GATHERINGS

In accordance with the proclamation issued by Governor Abbott, 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 similar standards.

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

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 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.

In accordance with Governor Abbott's Executive Order GA-29, following a verbal or written warning for a first-time violation of the facial 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 the laws of the State of Texas, including but not limited to 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.

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 8th day of January, 2021.

Richard F. Cortez

Richard F. Cortez, Hidalgo County Judge

ATTEST:

Arturo Guajardo

Arturo Guajardo, Hidalgo County Clerk





Hidalgo County Clerk
Arturo Guajardo Jr.
P.O. Box 58
Edinburg, Texas 78540

Main: (956) 318-2100

Fax: (956) 318-2105

ORIGINAL COPY

Receipt No: 20210108000202
Date: 01/08/2021
Time: 12:34PM
Deputy Clerk: Imelda Leal
Station: CH-1-CC-K27

Issued To: Office of the Hidalgo County Judge
100 E Cano Street

EDINBURG, TX 78539

Recording Fees

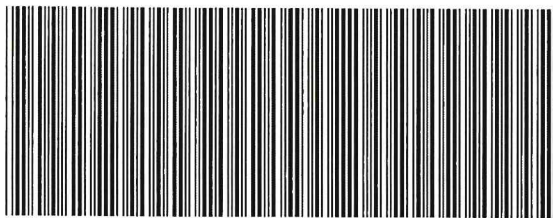
Item No.	Item	Document No.	Serial No.	GF Number	Amount
1	Real Property Recordings	3182191			\$0.00

Collected Amounts

Item No.	Payment	Transaction Id	Comment	Amount
1				\$0.00

Total Received: \$0.00
Order Total: \$0.00
Refund Due: \$0.00

Thank you.



VG-120-2021-3182191

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

Document No: 3182191

Billable Pages: 6

Recorded On: January 08, 2021 12:34 PM

Number of Pages: 7

*****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: 3182191
Receipt No: 20210108000202
Recorded On: January 08, 2021 12:34 PM
Deputy Clerk: Imelda Leal
Station: CH-1-CC-K27

Record and Return To:

Office of the Hidalgo County Judge
Richard F. Cortez
100 E. Cano St.
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