



FILED FOR RECORD

AT 1:04 O'CLOCK P M

DEC 31 2020

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

Eddie Treviño, Jr.
County Judge

**TENTH AMENDED EMERGENCY MANAGEMENT
ORDER INCLUDING CURFEW AND LIMITATIONS ON
GATHERINGS**

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, 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 on November 13, 2020, the Cameron County Judge issued the Eighth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on December 2, 2020, the Cameron County Judge issued the Ninth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS, it is the intent of this Tenth Amended Emergency Management Order Including Curfew and Limitations on Gatherings to continue mandatory facial coverings, and 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 Tenth Amended Emergency Management Order Including Curfew and Limitations on Gatherings; 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, hospital capacity is severely limited and the positivity rate for COVID-19 has risen significantly at the same time that health care staffing at Cameron County hospitals is severely overtaxed; and

WHEREAS, on December 28, 2020, the Cameron County Hospital COVID-19 census capacity inform critical and substantive data of 24% at Valley Baptist Medical Center Harlingen, 42% at Harlingen Medical Center, 20% at Valley Regional Medical Center, and 16% at Valley Baptist Medical Center Brownsville; 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 Texas Government Code Sec. 418.173.

THEREFORE AND ACCORDINGLY PURSUANT TO THE TEXAS DISASTER ACT OF 1975, THE COUNTY JUDGE HEREBY ISSUES THIS TENTH AMENDED EMERGENCY MANAGEMENT ORDER INCLUDING CURFEW AND LIMITATIONS ON GATHERINGS AS FOLLOWS:

Effective as of 12:01 p.m. on Friday, January 1, 2021, ("*Effective Date*"), and continuing until Friday, January 15, 2021, at 12:00 a.m. unless extended, modified, or terminated early by the County Judge or as otherwise indicated below:

1. PUBLIC HEALTH EMERGENCY

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

disaster up to and including GA-32.

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.
- e. All people should:

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

- 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. A curfew for all persons is hereby imposed.

i. Unless accompanied by a parent or guardian & engaging in essential travel or seeking emergency assistance, no person seventeen and/or younger may be 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 this Order and said violation may 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 Texas Government Code Sec. 418.173. BE ADVISED THAT A BREACH OF THE PEACE MAY RESULT IN THE ARREST SO AN OFFENDER MAY BE TAKEN

DIRECTLY TO THE MAGISTRATE TO ANSWER FOR THE OFFENSE ACCUSED.

- 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 (except that any travel to obtain food may only be done by Essential Workers whose employment is during the hours of the curfew);
 - 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,
- d. Any travel required by medical personnel or any travel required for medical assistance. and including GA-32 which are available at:
<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Retailers.pdf>
- e. In addition all commercial entities should refer to the Open Texas Checklists applicable to their type of entity as issued by Governor Abbott and available at:
<https://open.texas.gov/> and
<https://gov.texas.gov/coronavirus-executive-orders>.

4. COMMERCIAL ENTITIES

- a. All commercial entities in the County providing goods or services directly to the public must adhere to all currently effective Executive

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

Orders issued by Governor Abbott up to and including GA-32 which are available at:

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

- b. In addition all commercial entities should refer to the Open Texas Checklists applicable to their type of entity as issued by Governor Abbott and available at:

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

<https://gov.texas.gov/coronavirus-executive-orders>.

5. BARS AND SIMILAR ESTABLISHMENTS

- a. All bars and similar establishments are allowed to open only up to 50% capacity in accordance with GA-32 and Texas Alcoholic Beverage Commission regulations based upon Cameron County's executive decision to opt in to allow the same under the following conditions;

- i. Bars and similar establishments must adhere to all applicable conditions of this Tenth Amended Order and all of Governor Abbott's Executive Orders up to and including GA-32 and TABC rules.
- ii. Bars and similar establishments must adhere to the Open Texas Checklist for Bars or Similar Establishments available at <https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-to-open-bars-in-qualifying-counties-in-texas>:
- iii. All patrons at bars and similar establishments must adhere to the Open Texas Checklist for Bar Patrons available at (see link above).
- iv. All patrons at bars and similar establishments must minimize the removal of facial coverings only to when they are actually eating or drinking.
- v. All bars and similar establishments and their patrons must adhere to the 11:00 p.m. closure requirement contained in GA-32.
- vi. In the event of documented infections at bars or similar establishment or an increase in rates or cases of infections, this provision may be revoked.
- vii. A failure to comply with these provisions, in so far as they have been provided for by the Governor, as detailed in GA-32, may be punished by a fine not to exceed \$1,000 and an offender may be subject to regulatory

enforcement.

6. RESTAURANTS THAT SERVE ALCOHOL

- a. All restaurants that serve alcohol and their patrons must adhere to all applicable conditions of this Tenth Amended Order and all of Governor Abbott's Executive Orders up to and including GA-32 and TABC rules.
- b. All patrons at bars and similar establishments must minimize the removal of facial coverings only to when they are actually eating or drinking.

7. PUBLIC SCHOOLS

All public schools must adhere to Texas Education Agency guidelines available at <https://tea.texas.gov/>, Texas Department of Health Services guidelines available at <https://dshs.texas.gov/> and Centers for Disease Control guidelines available at <https://www.cdc.gov/>.

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 unless authorized by the Mayor of a city if within city limits or by the County Judge if in the unincorporated areas of the County.
- b. Except as provided in GA-30, GA-31 or GA-32 or in the minimum standard health protocols recommended by DSHS,³ 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:
 - i. Conduct essential County business online or via regular mail; and
 - ii. Avoid visiting any County Building/Facility unless absolutely necessary.

³ Found at www.dshs.texas.gov/coronavirus.


10. NO OCCUPANCY LIMIT FOR LOCAL GOVERNMENT OPERATION
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
The sections, paragraphs, sentences, clauses, and phrases of this Order are severable and if any phrase, clause, sentence, paragraph, or section of this 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 Order are severable.
12. INTERPRETATION AND ADDITIONAL TERMS
a. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor.
b. All provisions of the Governor's executive orders, 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 Order, enforceable and is set forth herein without necessity for the issuance of any further orders.
13. ENFORCEMENT
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 Tenth Amended Emergency Management Order in accordance with the authority granted under the Texas Disaster Act of 1975 and the Cameron County Emergency Management Plan.

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

RESTRICTIVE ORDER.

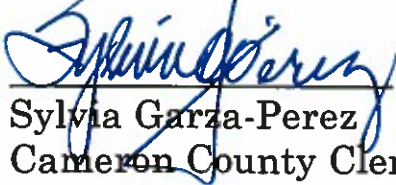
FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER
CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

SO ORDERED this 31st day of December, 2020 at 1:02 p .m.



Eddie Treviño, Jr.
Cameron County Judge

ATTESTED BY:



Sylvia Garza-Perez
Cameron County Clerk

