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ORDER NO. 5 BY THE COUNTY JUDGE OF EL PASO COUNTY

DATE ORDER ISSUED: MARCH 17, 2020

Dale B. ...
COUNTY CLERK
EL PASO COUNTY, TEXAS

WHEREAS, on March 13, 2020, a Declaration of Local Disaster was issued to allow El Paso County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of El Paso County residents; and

WHEREAS, on the same date, March 13, 2020, a Declaration of State 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, 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, the following orders shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated.

NOW THEREFORE, I, COUNTY JUDGE FOR EL PASO COUNTY, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

SECTION 2. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- a.) Individuals shall limit the size of public or private gatherings to no more than fifty (50) people in a single space.

For purposes of clarity, a gathering does not include the following spaces:

- i. Spaces where persons may be in transit or waiting for transit such as airports and bus terminals;
- ii. Office space or residential buildings;
- iii. Grocery stores, hotels, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
- iv. Hospitals and medical facilities.

- b.) Bars, lounges, taverns, arcades, and private clubs shall close.
- c.) Restaurants may remain open pursuant to the following:
 - i. Restaurants shall limit the amount of people on their premises at one time to half of their designated seating maximum occupancy and ensure that tables are at least 6 feet apart from each other,
 - ii. Restaurants shall disinfect and sanitize commonly touched surface and non-food contact surfaces at least once every hour,
 - iii. Restaurants shall not allow parties of more than six (6) people at one table,
 - iv. Restaurants must adopt and implement a screening policy for food handlers and all employees, and establish protocols for employees exclusion if they develop the following symptoms :
 - a. Fever greater than 100 degree F
 - b. Cough and shortness of breath
 - v. Make available and visible COVID-19 prevent print materials within the restaurant

SECTION 3. TEMPORARY ASSISTANCE. The County urges all business to provide two weeks of paid sick leave to employees that succumb to COVID-19, are caring for someone with COVID-19, or are subject to quarantine. The County further urges businesses to apply for any available federal funding for the provision of paid sick leave.

SECTION 4. UTILITIES & RESIDENCE.

- a.) No local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a local resident for lack of payment while this Order is in effect.
- b.) To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this Order is in effect. Furthermore, in alignment with the direction from the Texas Justice Court Training Center, it is hereby declared that evictions are not essential and shall be suspended for the next 30 days or until this Order is lifted.

SECTION 5. LIMIT TO COURTHOUSE AND COUNTY FACILITIES ACCESS. To ensure the health and safety of El Paso County employees and the public, it is recommended that members of the public limit their in-person transactions, business and visits at the Courthouse. Furthermore, to the extent possible, it is recommended that the public avail themselves of on-line services to transact business.

SECTION 6. PRICE CONTROLS. To ensure consumer protection for El Paso County residents, the following price controls shall be put in place:

- a. A person shall not sell any of the following goods or services for more than the price the person charged for the foods or services on March 13, 2020:
 - i. Groceries, beverages, toiletry articles, ice;

- ii. Construction and building materials and supplies, and earthmoving equipment and machinery;
- iii. Electrical and gas generating and transmission equipment, parts and accessories;
- iv. Charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- v. Hand tools (manual and power), hardware and household supplies, and equipment rental;
- vi. Automotive parts, supplies, and accessories
- vii. Plumbing and electrical tools and supplies
- viii. Apartment, duplex, multi-family dwelling rooming house, hotel and motel rental;
- ix. Gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- x. Restaurant, cafeteria, and boarding-house meals;
- xi. Services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- xii. Medicine, pharmaceutical, and medical equipment and supplies;
- xiii. Blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads towels, toilet paper; and
- xiv. Furniture and clothing;

SECTION 7: COUNTY BOARDS AND COMMISSIONS

- a.) Whereas, on March 16, 2020, the El Paso County Commissioners Court voted to cancel all County boards and commission meetings or to conduct such meetings in a virtual capacity;
- b.) Any boards and commission meetings that must meet pursuant to State law should meet pursuant to the means allowed by the Texas Attorney General and institute best practices with regards to social distancing.

SECTION 8. APPROVALS FOR COUNTY PURCHASES TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF EL PASO COUNTY

- a.) Whereas, on March 16, 2020 the El Paso County Commissioners Court voted to approve and authorize the County Purchasing Agent, in consultation and agreement with the El Paso County Chief Administrator, to make purchases above the court-approved threshold of \$50,000 for contracts necessary to make the purchase promptly to relieve the necessity of the citizens, or contracts necessary to preserve or protect, the public health or safety of the residents of the County, under Tex. Loc. Gov't Code Sec. 262.024(A)(1) and (A)(2) until June 16, 2020; and
- b.) Whereas, on March 16, 2020 the El Paso County Commissioners Court allowed this authorization to limited instances where a purchase is necessary for the reasons set forth above and where waiting for a commissioners court meeting for approval would cause a detrimental delay; and

c.) Whereas, on March 16, 2020 the El Paso County Commissioners Court voted to require all such contracts to be brought before the commissioners court at the earliest available meeting.

SECTION 9: That the El Paso County Sheriff's Office, and other peace officers are hereby authorized to enforce this Order. A violation of this Order is a misdemeanor that may be punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.

SECTION 10: El Paso County will post this Order on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. 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.

ORDERED this the 17th day of March, 2020, in El Paso County, Texas.



Ricardo A. Samaniego
El Paso County Judge