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ORDER NO. 16

**BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS
STAY SAFE ORDER
DATE ORDER ISSUED: MARCH 10, 2021**

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

WHEREAS, in December 2019, a novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 was identified; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency and the El Paso County Judge issued a Declaration of Local Disaster for Public Health Emergency pursuant to Texas Government Code Section 418.108, in order to respond to the COVID-19 pandemic; and

WHEREAS, on March 19, 2020, the El Paso County Commissioners Court issued an Emergency Order extending the County Judge's state of disaster and instituting emergency measures due to a public health emergency until terminated by order of the El Paso County Commissioners Court; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and the County of El Paso; and

WHEREAS, El Paso, located on the international border, is uniquely faced with opportunities and challenges, in addressing border entry into the U.S.; and

WHEREAS, the County Judge's Emergency Order authorizes the Emergency Management Director or designee to update, restrict, and promulgate regulations necessary to comply with Federal, State and Local authorities' guidance in relation to COVID-19; and

WHEREAS, pursuant to Texas Government Code § 418.1015(a), the County Judge serves as the Emergency Management Director for the County of El Paso (the "County"); and

WHEREAS, Texas Government Code, Chapter 418 authorizes the Emergency Management Director to issue Orders, which are necessary for the protection of life and property in the County; and

WHEREAS, in the fall of 2020, new SARS-CoV-2 variants emerged; and

WHEREAS, today, multiple SARS-CoV-2 variants are circulating globally; the most prominent strains currently include B.1.1.7 that first emerged in the United Kingdom (U.K.),

B.1.351 that emerged in South Africa, and P.1 that emerged in Brazil and was first detected in the U.S. at the end of January 2021; and

WHEREAS, on February 24, 2021, five different COVID-19 variants, including the New York and California variant, were identified in Houston; and

WHEREAS, the CDC has predicted that the highly contagious B.1.1.7 variant will become the predominant COVID-19 strain in the United States in March and warrants universal and increased compliance with mitigation strategies, including distancing and masking; and

WHEREAS, on March 1, 2021, CDC Director Dr. Rochelle Walensky said “Please hear me clearly. At this level of cases with variants spreading, we stand to completely lose the hard-earned ground we have gained”; and

WHEREAS, Dr. Walensky also said that “these variants are a very real threat to our people and to our progress. Now is not the time to relax the critical safeguards that we know could stop the spread of COVID-19 in our communities, not when we are so close”; and

WHEREAS, to date, the United States is distributing three different vaccines to combat COVID-19, two of which, the Moderna and Pfizer vaccines, require the administration of a second booster dosage; and

WHEREAS, Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious diseases, recently announced that vaccine makers are developing a third shot to fight new, and highly contagious variants; according to Dr. Fauci, the level of protection provided by current Moderna and Pfizer vaccines diminishes by five or six fold when a person contracts a COVID-19 variant; and

WHEREAS, on March 2, 2021, Governor Abbott issued Executive Order GA-34 (“GA-34”) which opened Texas 100%, encouraged the use of face coverings while eliminating the statewide mask mandate and continued to limit local governments’ authority within their jurisdictions; and

WHEREAS, on March 3, 2021, Dr. Walensky again cautioned against the premature lifting of COVID-19 public health restrictions saying that “...the next two or three months could go in one of two directions. If things open up, if we’re not really cautious, we could end up with a post-spring break surge the way we saw a post-Christmas surge. We could see much more disease. We could see much more death. In an alternative vision, I see we really hunker down for a couple

of more months, we get so many people vaccinated and we get to a really great place by summer”; and

WHEREAS, for the first time in 195 days of being an area with high hospitalizations, on March 5, 2021, Trauma Service Area “I” in which El Paso resides, attained seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity was 15 percent or less; and

WHEREAS, as of March 9, 2021, 14.6% of El Pasoans have received full COVID-19 dosages; and



WHEREAS, as of March 9, 2021, El Paso County had 125,985 total cases reported; and

WHEREAS, as of March 9, 2021 El Paso County attributed 2,211 deaths to COVID-19;

and



WHEREAS, in the event El Paso once more declines into an area with high hospitalizations, I, as the County Judge, in accordance with GA-34, will impose the necessary COVID-19 mitigation strategies, which may include up to a 50% decrease in occupancy limits, to preserve the health and safety of El Paso residents; and

WHEREAS, El Paso County is committed to providing safe facilities and worksites to ensure the health, safety, and welfare of its employees, customers, clients and visitors when accessing County facilities for the purpose of receiving services; and

WHEREAS, in accordance with GA-34, Texas Government Code Chapter 418 and Section 291.001, and to the extent allowed by law, the County will institute additional hygiene measures, including the wearing of face coverings when entering or present within an El Paso County building, facility or location, including County public transportation; and

WHEREAS, at this critical juncture for the County, state and nation, City and County leaders are calling on all businesses and every individual in El Paso to model continued discipline in practicing necessary hygiene measures; and

WHEREAS, on March 8, 2021, the White House held a press conference during which the CDC offered new guidance regarding interactions between vaccinated and unvaccinated persons; however the CDC noted that their future guidance is dependent on an increased number of vaccinations in the population and an improved understanding of COVID-19; and

WHEREAS, the County will continue to follow the guidance and best practices put forth by the medical and scientific community; and

WHEREAS, the City and County leaders are urging 100% mask usage to keep El Paso 100% open.

NOW THEREFORE, TO CONTINUE TO REDUCE THE SPREAD OF COVID-19 THROUGHOUT EL PASO COUNTY 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, I, COUNTY JUDGE FOR EL PASO COUNTY, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

SECTION 1. STAY SAFE AT HOME.

Residents are encouraged to stay at home, whenever possible, and leave their residence mindful of the harm COVID-19 has wrought upon our community. The County of El Paso is receiving vaccinations at a steady rate; if the community as a whole remains vigilant, adheres to standard health protocols, and is vaccinated in due course, hundreds of lives may be saved.

SECTION 2. FACE COVERING.

Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus. Therefore, every person in El Paso is **STRONGLY ENCOURAGED** to wear some form of face covering over their nose and mouth, when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, whenever it is not feasible to maintain six feet of social distancing from another person not in the same household.

Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand-washing, as these remain important steps to slowing the spread of the virus.

Nothing in this order precludes businesses or other establishments from **requiring** employees and customers to follow additional hygiene measures, including the wearing of a face covering.

SECTION 3. LABORATORY CONFIRMED COVID-19 TEST RESULTS.

Pursuant to the Local Health Authority directive, an individual that receives a positive COVID-19 test result but that has not yet been contacted by the City's Department of Public Health within 24 hours of receiving the laboratory results, must isolate, and those from within their household must quarantine, and must report to (915) 212-6520 within 24 hours of receiving the positive test result. Healthcare workers, first responders and individuals who test positive for COVID-19 should follow the current Department of Public Health's Guidelines, as published on epstrong.org.

SECTION 4. HEALTH AND SAFETY POLICY BUSINESSES.

All businesses in El Paso County **can** develop and **continue** to implement a health and safety policy ("**Health and Safety Policy**"). The Health and Safety Policy **can include**:

- a. All businesses can require employees, including volunteers, to have a face covering when either in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where six (6) feet of separation from other individuals not in the same household is not feasible, and to the extent allowed by law;
- b. All businesses can require that all visitors, to include contractors and vendors, wear face coverings while on the business's premises;
- c. All businesses can maintain and provide face coverings for visitors;
- d. All businesses can include any internally set occupancy limits within their Health and Safety Policy;
- e. All businesses can alert customers to evolving changes to operating limits and standards in their Health and Safety Policy;
- f. All businesses can post the Health and Safety Policy suggested by this Order in a conspicuous location sufficient to provide notice to employees, volunteers and visitors;
- g. The Health and Safety Policy suggested to be developed and implemented by this Order may also include other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks and health screenings;
- h. Businesses are encouraged to review the following business resources for standard health protocols:
 - CDC Guidelines
<https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>
 - Texas DSHS Guidelines
<https://www.dshs.texas.gov/coronavirus/>
 - Occupational Safety and Health Administration Guidelines (OSHA)
<https://www.osha.gov/coronavirus/safework>.

Nothing in this Order precludes requiring a customer to follow additional hygiene measures, including wearing a face covering, when obtaining services.

SECTION 5. EL PASO COUNTY GOVERNMENT FUNCTIONS.

County Essential Government Functions. For purposes of this Order, County employees that perform essential government functions may continue to work onsite. All County departments should still continue to telework from home when possible. County employees who can work from home shall do so. County elected officials are strongly encouraged to allow their employees to work from home when possible.

All County Departments must follow the El Paso County Reconstitution of Operations Plan (ROOP) in returning to office/workspace. Elected officials are strongly encouraged to follow the ROOP or establish similar standards before employees return to work onsite.

To protect the County work force, individuals interacting with the County workforce, and to ensure the continuity of government services and activities, the County is instituting additional hygiene measures on County property and county-operated transportation. To the extent allowed by law, **individuals entering or within County buildings, including common areas, shall wear a face covering over the nose and mouth, maintain physical distance, and adhere to other public health measures**, as provided in those County buildings and by County property operators. Individuals within the court rooms in County buildings should adhere to all measures instituted by the presiding judge.

The face covering requirement in this Section *does not apply* to the following:

- a. any person younger than 2 years of age (note, parents and guardians of children over the age of 2 and under the age of 10 are responsible for appropriately making their children wear a face covering as required herein);
- b. any person with a medical condition or disability that prevents wearing a face covering;
- c. 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;
- d. any person while the person is driving alone;
- e. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, but only to the extent necessary for the temporary removal;
- f. any person who is voting, assisting a voter, or serving as a poll watcher, but wearing a face covering is strongly encouraged; or
- g. any person while the person is giving a speech for a broadcast or to an audience.

County buildings and facilities shall remain limited to the percent of the normal operating limits based on the County ROOP.

All County operated public transportation activities must be performed in compliance with social distancing including, to the extent possible, maintaining six-foot social distancing for both employees and the general public; washing hands with soap and water for at least twenty seconds often or using hand sanitizer; covering coughs and sneezes; cleaning high-touch surfaces; not shaking hands; and wearing a face covering over the nose and mouth, unless subject to exception noted above in this section.

Individuals failing to abide with these requirements will be denied service and instructed to leave the premises or property.

Nothing in this Order restricts the County's implementation of additional hygiene measures in County buildings or property.

SECTION 6. RURAL COUNTY COVID-19 RESTRICTIONS.

While the County is not mandating local municipalities to adopt additional hygiene measures, some municipalities may voluntarily elect to institute COVID-19 hygiene measures within their corresponding municipal facilities. For more information, please visit the municipality's websites.

SECTION 7. COUNTY RECREATION AREAS AND PARKS.

All County parks, and recreational areas shall reopen, as approved by the El Paso County Commissioners Court. Information regarding the reopening of county parks and recreational areas can be found at <https://www.epcountyparks.com/>.

SECTION 8. NURSING HOMES.

Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.

SECTION 9. LOCAL PUBLIC HEALTH AUTHORITY ORDERS.

For additional guidance for all reopened businesses, activities and services, see:

- Local Public Health Authority Orders
<http://epstrong.org/health-orders.php>;
- State of Texas Recommended Health Protocols
<https://www.dshs.state.tx.us/coronavirus/opentexas.aspx>;
- CDC Guidelines
<https://www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html>
- Texas DSHS Guidelines
<https://www.dshs.texas.gov/coronavirus/>
- Occupational Safety and Health Administration Guidelines (OSHA)
<https://www.osha.gov/coronavirus/safework>

SECTION 10. POSTING OF THIS ORDER.

The County will post this Order and links to the Local Health Authority Orders.

SECTION 11. PRIOR ORDERS.

This Order is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitals set out in the preamble to this Order. All prior County Judge Orders and relevant amendments shall stand superseded.

SECTION 12. SAVINGS CLAUSE.

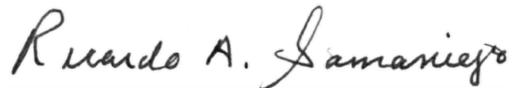
If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

SECTION 13. DURATION OF ORDER.

This Order shall remain in full force and effect until it is modified, rescinded, superseded or amended pursuant to applicable law.

ORDERED this the 10th day of March, 2021.

COUNTY OF EL PASO, TEXAS



Ricardo A. Samaniego,
El Paso County Judge