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ORDER NO. 17

**BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS
STAY SAFE ORDER
DATE ORDER ISSUED: May 21, 2021**

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

WHEREAS, in December 2019, a novel coronavirus 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, on April 25, 2021, Governor Abbott issued Executive Order No. 35 ("GA-35") which barred a governmental entity from compelling the COVID-19 vaccine, or requiring an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status; and

WHEREAS, GA-35 also prohibits any public or private entity that is receiving or will receive public funds through any means, from denying service or requiring a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status; and

WHEREAS, though hopes of reaching herd immunity prompted many to receive the COVID-19 vaccine, a general inability to know an individual's vaccination status complicates the return to the new normal; and

WHEREAS, in order to resume operations despite the knowledge of who is or is not vaccinated, the County of El Paso, like many other businesses, relied on face coverings to protect their employees and customers alike; and

WHEREAS, on May 5, 2021, Governor Abbott renewed the COVID-19 Disaster Declaration for all counties in Texas; and

WHEREAS, on May 10, 2021, Dr. John Hellerstedt, Commissioner of Public Health, once more issued a declaration of a Public Health Disaster Declaration, stating that "the novel coronavirus (SAR-CoV-2, the causes the disease COVID-19) continues to present an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease's method of transmission and evidence that there is community spread in Texas;" and

WHEREAS, on May 13, 2021, with nearly 38% of all Americans fully vaccinated, the U.S. Centers for Disease Control updated its guidance to allow fully vaccinated people to resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and

WHEREAS, on May 17, 2021, U.S. Customs and Border Protection said that current restrictions for non-essential crossings at U.S. land border ports of entry with Mexico were extended until June 21, 2021; and

WHEREAS, though non-essential travel restrictions have reduced the volume of individuals traveling into the United States through El Paso land ports, both El Paso and Juarez residents continue to cross the shared border daily for permitted reasons; and

WHEREAS, once land travel restrictions lift on June 21, 2021 thousands of individuals will travel back and forth between Juarez and El Paso each day; and

WHEREAS, on May 18, 2021, Governor Abbott issued Executive Order No. 36 (“GA-36”) which, with limited exceptions, aimed to restrict a governmental entity, including a county, and government officials from requiring or having the authority to require any person from wearing a face covering; and

WHEREAS, though El Paso County is fortunate to be experiencing a decrease in new COVID-19 cases and deaths, the same is not true in El Paso’s sister city, Juarez, who in April 2021 instituted shut downs in an effort to contain a three-fold increase in COVID-19 cases; and

WHEREAS, El Paso is uniquely situated directly next to a country still struggling to obtain sufficient vaccine doses for its population; and

WHEREAS, while over 50% of the population over 12 years of age in El Paso is fully vaccinated, Juarez has managed to vaccinate less than 10% of its population of 1.5 million; and

WHEREAS, though other Texas counties are geographically insulated, El Pasoans remain at risk until more people along both sides of the El Paso-Juarez border are vaccinated; and

WHEREAS, El Pasoans who have not yet been immunized against COVID are encouraged to take advantage of the COVID-19 vaccine; and

WHEREAS, as we prepare for the full reopening of El Paso’s land ports of entry, I call upon each El Pasoan to seize the opportunity to save lives, avoid setback, and model an unwavering commitment to the welfare of the most vulnerable within our borderland by wearing a face covering and maintaining social distancing.

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.

Unvaccinated residents are encouraged to stay at home, whenever possible, and leave their residence mindful of the continued risk of COVID-19 within our border community. All individuals over the age of 12 are eligible and encouraged to receive the COVID-19 vaccine. If the community as a whole remains vigilant, adheres to standard health protocols, and is vaccinated, 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. Despite over half of eligible El Pasoans being fully immunized, the inability to know an individual's vaccination status makes it increasingly important for the community to adhere to standard health protocols, including wearing a face covering. 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 others.

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 an employee or customer to follow additional hygiene measures, including wearing a face covering.

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 shall follow the County's Reconstitution of Operations Policy (ROOP) and only allow up to the applicable number of employees to return to the office/workspace. County employees who do not return to the office/workspace pursuant to the ROOP and who can work from home shall do so.

Elected officials are strongly encouraged to follow the ROOP or establish similar standards before employees return to work onsite, and when possible, continue to allow their employees to work from home.

All onsite employees are urged to wear face coverings when he or she is unable to maintain social distancing around others. Elected officials are urged to similarly encourage their employees to wear face coverings when working onsite or returning to the office.

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. All **individuals entering or within County buildings, including common areas, are highly encouraged to wear a face covering over the nose and mouth, and are required to 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 call to continue to wear face coverings 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; and not shaking hands. Individuals failing to abide with these requirements will be denied service and instructed to leave the premises or property.

Individuals on all County operated public transportation are strongly encouraged to wear a face covering over the nose and mouth, unless subject to an exception noted above in this section.

The County may implement 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.

SECTION 14. EFFECTIVE DATE.

This Seventeenth Order shall take effect at 11:59 P.M. on May 21, 2021.

ORDERED this the 21st day of May 2021.

COUNTY OF EL PASO, TEXAS

A handwritten signature in blue ink that reads "Ricardo A. Samaniego". The signature is written in a cursive style and is positioned above a horizontal line.

Ricardo A. Samaniego,
El Paso County Judge