

**COUNTY OF VAL VERDE
STATE OF TEXAS
OFFICE OF THE COUNTY JUDGE**

400 Pecan Street
Del Rio, Texas 78840

EXECUTIVE ORDER

**SIXTH AMENDED
DECLARATION OF LOCAL DISASTER FOR
PUBLIC HEALTH EMERGENCY**

BY LP DEPUTY
2020 JUN 26 P 4: 25
GENEROSA GARCIA-RODRON
VAL VERDE COUNTY CLERK

FILED

Stay Home • Stay Safe

WHEREAS, pursuant to Texas Government Code §418.108, Val Verde County Judge Lewis G. Owens, Jr. issued a Declaration of Local Disaster for Public Health Emergency on March 16, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, Val Verde County Judge Owens, under the authority granted to the Governor pursuant to Section 418.016 of the Texas Government Code, may use all available local government resources to respond to the disaster and temporarily suspend statutes and rules, including those relating to purchasing and contracting, if compliance would hinder or delay actions necessary to cope with a disaster; and

WHEREAS, on March 16, 2020, Val Verde County Judge Owens issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus; and,

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 16, 2020 Order of County Judge Lewis G. Owens, Jr. be amended;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than ten (10) people;

WHEREAS, on March 18, 2020, the Val Verde County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Val Verde County Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on April 6, 2020, unless rescinded by order of the Commissioners Court;

WHEREAS, on April 2, 2020, Val Verde County Judge Owens issued an Executive Order NUNC PRO TUNC First Amended Declaration of Local Disaster for Public Health Emergency and a Supplement and Amendment to First Amended Declaration of Local Disaster for Public Health Emergency; and

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Second Amended Declaration of Local Disaster for Public Health Emergency that took effect on April 7, 2020, at 12:00 midnight and expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Supplement to Second Amended Declaration of Local Disaster for Public Health Emergency that supplemented, BUT DID NOT REVOKE, the Second Amendment Declaration of Local Disaster that expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Clarifying Order to the Supplement and Addendum to the Second Amended Declaration of Local Disaster for Public Health Emergency that added to and supplemented the Supplement and Addendum to the Second Amended Declaration of Local Disaster for Public Health Emergency that expired at 11:59 p.m. on April 20, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Temporary Amendment to Standing Declaration of Local Disaster on April 17, 2020 that took effect at 12:00 midnight on April 21, 2020 and expired upon entry of the Third Amended Declaration of Local Disaster for Public Health Emergency executed by Val Verde County Judge Lewis G. Owens, Jr.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Third Amended Declaration of Local Disaster for Public Health Emergency that took effect at 12:00 midnight on April 21, 2020 and expired on 11:59 p.m. on May 5, 2020.

WHEREAS, Val Verde County Judge Lewis G. Owens, Jr. with authority granted him by the Val Verde County Commissioners Court on March 18, 2020, issued a Fourth Amended Declaration of Local Disaster for Public Health Emergency on April 30, 2020 that takes effect at 12:00 midnight on May 1, 2020 and expired on 11:59 p.m. on May 14, 2020.

WHEREAS, the State of Texas has seen a dramatic surge in positivity rates and hospitalizations, Texas Governor Greg Abbott has issued new executive orders to curtail that surge.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF VAL VERDE COUNTY, TEXAS:

Under the authority of Texas Government Code §418.108, Val Verde County Judge Lewis G. Owens, JR. ORDERS that the present order supersedes the Executive Order Fourth Amended Declaration of Local Disaster for Public Health Emergency.

1. 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.
2. This Sixth Amended Declaration of Local Disaster for Public Health Emergency continues to activate Val Verde County's Emergency Management Plan.
3. This Sixth Amended Declaration of Local Disaster for Public Health Emergency continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under this declaration and the preparedness and response aspect of the plans are activated as provided in the plans.
4. Pursuant to the authority granted under the laws of the State of Texas, this Sixth Amended Declaration of Local Disaster for Public Health Emergency

authorizes the Val Verde County Judge to take any and all lawful actions deemed necessary to promote health and suppress disease throughout Val Verde County, including quarantine, examining and regulating hospitals, regulating ingress and egress throughout Val Verde County and impacted areas.

5. Guidance for best practices set out by Governor Greg Abbott at <https://open.texas.gov/>, “Open Texas Checklists: Phase III – June 30, 2020” and subsequent amendments and additions included by the governor are considered the standard practice in this declaration.
6. This order takes effect on **Saturday, June 27, 2020 at 12:01 A.M.** and continuing until 11:59 p.m. on Friday, July 10, 2020.
7. Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:
 - a. There is no occupancy limit for the following:
 - i. any services listed by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
 - ii. religious services including those conducted in churches, congregations, and houses of worship;
 - iii. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - iv. child-care services;
 - v. 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 youths; and
 - vi. recreational sports programs for youth and adults.
 - b. Except as provided below by paragraph number “e,” this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor

venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:

- i. professional, collegiate, or similar sporting events;
 - ii. swimming pools;
 - iii. water parks;
 - iv. museums and libraries;
 - v. zoos, aquariums, natural caverns, and similar facilities; and
 - vi. rodeos and equestrian events.
- c. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
- i. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed or cosmetologists or barbers practice their trade;
 - ii. 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
 - iii. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
- d. Amusement parks shall operate at no more than 50 percent of the normal operating limits as determined by the owner.
- e. For any outdoor gathering in excess of 100 people, other than those set forth above in paragraphs “a,” “b,” or “d,” the gathering is prohibited unless the mayor of the city in which the gathering is held or the county judge, in case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with Executive Order GA-28, signed on June 26, 2020.
- f. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020 at which

time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant.

- g. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph “f”; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC.
 - h. People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing.
 - i. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.
 - j. Staff members are not included in determining operating levels, except for manufacturing services and office workers.
8. Except as provided in this executive order or in the minimum standard health protocols as recommended by DSHS, and found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness and sanitation.
9. In providing or obtaining services, every person (including individuals, businesses and other legal entities) should use good-faith efforts and available resources to follow the minimum health protocols recommended by DSHS. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, and failure to do so, may result in the denial of entry to an establishment that has adopted a requirement that face coverings must be worn consistent with the “Fifth Amended Declaration of Local Disaster for Public Health Emergency” for Val Verde County.

10. In accordance with CDC guidelines and the guidelines set out by Governor Abbott, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as 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 whenever possible.
11. Due to concern over the spread of the COVID-19 virus, door-to-door solicitations or sales are prohibited. Notice is hereby given that, coming onto personal property of another for the purpose of door-to-door solicitations or sales may be considered CRIMINAL TRESPASS and may be prosecuted in accordance with the Texas Penal Code.
12. Due to the public health emergency, the Office of the Val Verde County Judge hereby directs the Val Verde County Justices of the Peace to work with landlords and tenants to develop an appropriate timeline for evictions to proceed in an orderly fashion in accordance with direction from the Supreme Court of Texas and the Office of Court Administration on the safe operation of courts.
13. If someone in a household has tested positive for coronavirus, all of the members of the household are ordered to quarantine at home. The individual testing positive is ordered to isolate at home. Members of the household cannot go to work, school, any community function or out in public until cleared by the Val Verde County Health Authority.
14. In accordance with Governor Greg Abbott's Executive Order GA-19, all licensed health care professionals shall be limited in their practice by, and must comply with, any emergency rules promulgated by their respective licensing agencies dictating minimum standards for safe practice during the COVID-19 disaster. Every hospital licensed under Chapter 241 of the Texas Health and Safety Code shall reserve at least 15 percent of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients, as determined by the Texas Health and Human Services Commission.

15. Public and private schools and institutions of higher education are instructed by this order to provide a safety plan to the Val Verde County Emergency Management Office 72 hours before students return to a classroom setting.
16. **Testing in Val Verde County.** Any entity that administers or interprets COVID-19 tests in Val Verde County must report, upon receipt, its findings directly to the Val Verde County Health Authority in a form approved by the Val Verde County Health Authority. The approved forms will be made available to the entity upon request.
17. **Task Force.** Val Verde County Judge Lewis G. Owens, Jr. shall establish as task force to serve under his direction for the purpose of enforcing Governor Greg Abbott's Executive Order GA-18 and GA-19 as well as Val Verde County's current Declaration of Disaster for Public Health Authority.
18. **Enforcement.** Pursuant to Texas Health and Safety Code Section 418.173, failure to comply with this order is an offense punishable by a fine not to exceed \$1,000, and/or a term of imprisonment not to exceed 180 days in jail. This order may be subject to regulatory enforcement. With the exception of Section 3, a violation of this Order may be punishable through criminal or civil enforcement. Texas Commissioned Peace Officers are hereby authorized to enforce this Order through criminal enforcement. Local health inspectors are hereby authorized to enforce this Order through civil enforcement.
19. **Severability.** The sections, paragraphs, sentences, clauses, and phrases of this Executive Order are severable and if any section, paragraph, sentence, clauses and phrase of this Executive Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
20. **Interpretation and Additional Terms.** To the greatest possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issues by the Texas Governor. All provisions of the executive orders of the Texas Governor 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 Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

21. **Notice.** The County of Val Verde must promptly provide copies of this Order by posting on the Val Verde County 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 of the remaining portions or applications of this Order.

This executive order supersedes all executive orders.

THE PURPOSE OF THIS ORDER IS FOR EMERGENCY PROTECTIVE MEASURES, MITIGATION PROCEDURES AND RESPONSE PLANS TO THIS PUBLIC HEALTH EMERGENCY.

IN TESTIMONY, WHEREOF, I have hereunto signed my name and have officially caused the county seal to be affixed at my office in the City of Del Rio, Texas, this the 26th day of June, 2020.


Attested by:


Hon. Lewis G. Owens, Jr.
Val Verde County Judge




Hon. Generosa G. Ramon
Val Verde County Clerk

Filed with the Clerk of Val Verde County on June 26th, 2020.

BY  DEPUTY
GENEROSA GRACIA-RAMON
VAL VERDE COUNTY CLERK
2020 JUN 26 P 4:26

FILED