



THIRD AMENDED AND RESTATED ORDER BY THE COUNTY JUDGE OF FORT BEND COUNTY

WHEREAS, on March 12, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow Fort Bend County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Fort Bend County residents; and

Whereas, on March 13, 2020, a Declaration of State of 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, on March 16, 2020, President Donald 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 10 people; and

Whereas, on March 17, 2020, the Fort Bend County Commissioners at a Special Meeting of Commissioners Court approved an extension of the Declaration of Local Disaster for Public Health Emergency to March 24, 2020, and such was further extended by Order of Commissioners Court on March 24, 2020; and

Whereas, on March 17, 2020, due to the substantial risks to the public, by Order of the County Judge of Fort Bend County, certain establishments were ordered closed to implement the "All of Community" approach, as recommended by the Centers for Disease Control and Prevention ("CDC"), focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

Whereas, on March 20, 2020, a Second Amended and Restated Order was issued to clarify and restate the extraordinary measures that must be taken to protect the public; and

Whereas, due to the continued rapid spread of COVID-19, additional measures are necessary to protect the ability of the public and private health care providers to handle the influx of new patients, and safeguard public health and safety through the use of mandates to remain at home, except for certain essential activities and work to provide essential business and government services or perform essential business and public infrastructure.

NOW THEREFORE, I, COUNTY JUDGE OF FORT BEND COUNTY, TEXAS, 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. That this Order shall be read to comply with Executive Order No. GA-08 signed on March 19, 2020, at 11:59 a.m., by Texas Governor Greg Abbott, which: regulates gatherings of

groups of 10 or more people; closes gyms and licensed massage businesses; prohibits visitation to nursing homes or retirement or long-term care facilities unless to provide critical assistance; and temporarily closes schools.

SECTION 3. Effective as of 12:01 a.m., March 25, 2020, and continuing through 11:59 p.m. on April 3, 2020, unless a declaration of the local disaster for public health emergency is no longer in effect, and subject to the limited exceptions and under the terms and conditions more particularly set forth below:

- (A) All individuals currently living within Fort Bend County are ordered to Stay Home and Work Safe at their place of residence; and
 - (i) For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities; and
 - (ii) To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible follow Social Distancing of at least six feet and other measures in accordance with current CDC guidelines when they are outside their residence; and
 - (iii) All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in SECTION 4; and
 - (iv) All persons experiencing homelessness are exempt from this Order but are strongly urged to obtain shelter, and governmental and other entities are urged to make such shelter available as soon as possible and to the extent practicable
- (B) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
- (C) All businesses operating within Fort Bend County, except Essential Businesses as defined in below in SECTION 4, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with Social Distancing of at least six feet and other measures in accordance with current CDC guidelines for both employees and the general public.
- (D) Access to Fort Bend County offices and facilities shall be limited as to the public for essential functions only, i.e., (court obligations and/or required payments). Please contact the appropriate department or court for authorization to appear –
<https://www.fortbendcountytexas.gov/government/departments/county-administration/human-resources/employees/directory>.

- (E) Any person who knows they have tested positive for or has been diagnosed with COVID-19, or anyone who shares a household with such person shall abide by any order or instruction provided to them by an authorized medical professional or a local health authority to quarantine themselves.
- (F) Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow Social Distancing of at least six feet and other measures in accordance with current CDC guidelines.
- (G) Any restrictions on hours of delivery for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Fort Bend County shall hereby be suspended for the duration of this Order to facilitate timely and efficient delivery of necessary products during this critical time.

SECTION 4. Definitions:

- (A) For purposes of this Order, provided measures are taken to comply with the necessary precautions to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines, individuals may leave their residence only to perform any of the following “**Essential Activities**” and to receive such goods and/or services from Essential Businesses as defined below:
- (i) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home); and
 - (ii) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences; and
 - (iii) To engage in outdoor activity, (for example, walking, biking, hiking, or running). Individuals may go to public parks and open outdoor recreation areas. However, playgrounds may increase spread of COVID-19, and therefore shall be closed; and
 - (iv) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order; and
 - (v) To care for a family member or pet in another household.

(B) For purposes of this Order, the following “**Essential Businesses**” shall not be required to cease all activities at facilities located within the County provided such establishments, comply with the necessary precautions, to the greatest extent possible to reduce the transmission of COVID-19, including the practice of Social Distancing of at least six feet and other measures in accordance with current CDC guidelines:

- (i) **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services; and
 - (a) Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations; and
 - (b) Healthcare operations also includes veterinary care and all health and welfare services provided to animals; and
 - (c) Healthcare operations do not include elective medical, surgical, and dental procedures, nor fitness and exercise gyms and similar operations; and
 - (d) This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare.
- (ii) **Essential Government Functions.** All services provided by local governments, municipalities, and special districts within Fort Bend County needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public, including Essential Critical Infrastructure. Further, nothing in this order shall prohibit any individual from performing or accessing “Essential Government Functions.”
- (iii) **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, title companies, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees.

(iv) **Essential Retail.**

- (a) Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock; and
- (b) Businesses that ship or deliver groceries, food, goods or services directly to residences; and
- (c) Restaurants and other establishments that serve food located in hospitals, long-term medical care facilities, rehabilitation or medical facilities, child care facilities, group homes, crisis and homeless shelters, assisted living facilities, retirement communities, congregate care facilities, long term care facilities, jails and detention facilities; and
- (d) Restaurants and other establishments that serve food not included in the preceding subsection, with or without drive-in or drive-through services limited to serving food and/or alcohol by take out, delivery, or drive-through services as allowed by law. However, such restaurants and other establishments are prohibited from serving food for consumption on the premises; and
- (e) Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only; and
- (f) Laundromats, dry cleaners, and laundry service providers; and
- (g) Auto sales, auto service departments, auto supply, auto repair, and bicycle repair, hardware stores, and related facilities; and
- (h) Businesses that supply products needed for people to work from home; and
- (i) Hotels and other temporary residential facilities.

(v) **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

(vi) **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.**

- (a) Plumbers, electricians, exterminators (pest control services), refrigeration and air conditioning and heating services, yard maintenance and landscaping services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses; and

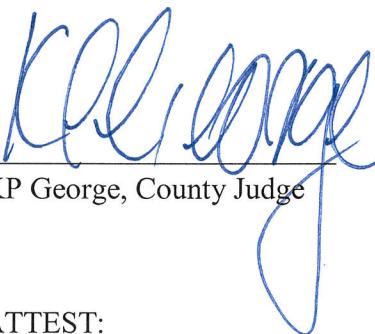
- (b) Trash and recycling collection, processing and disposal, , building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for residences and Essential Businesses; and
 - (c) Services provided by caregivers and helpers who provide services to seniors and disabled individuals; and
 - (d) Mail and shipping services; and
 - (e) funeral homes, crematoriums and cemeteries; and
 - (f) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities; and
 - (g) Businesses that supply other essential businesses with support or supplies needed to operate, including employment agencies.
- (vii) **News Media.** Newspapers, television, radio, and other media services.
 - (viii) **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.
 - (ix) **Exemptions Available.** Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing products necessary to address the hazards of COVID-19 such as masks, ventilators, hand sanitizer, and other support to essential services may apply for an “essential business” exemption under this Order, granted by the municipality or Fort Bend County Emergency Management Coordinator.

SECTION 5. Pursuant to Annex U, Section V. (A) (4) (a) of the Fort Bend County Emergency Operations Plan approved by Commissioners Court on January 15, 2019, and in accordance with Texas Government Code §418.173, the Fort Bend County Sheriff's Office, the Fort Bend County Fire Marshal's Office, and other peace officers, as defined by Article 2.12 of the Texas Code of Criminal Procedure, are hereby authorized to enforce this order, and the failure to comply with this Order is an offense punishable by a fine of up to \$1,000 or confinement in jail for a term of up to 180 days.

SECTION 6. Fort Bend 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 of this Order.

SECTION 7. This Order applies to all unincorporated and incorporated areas within the boundaries of Fort Bend County and shall be effective until 11:59 p.m. on April 3, 2020, unless a declaration of the local disaster for public health emergency is no longer in effect.

ORDERED this the 24th day of March, 2020.



KP George, County Judge

ATTEST:

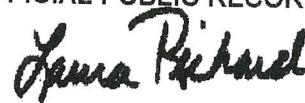


Laura Richard, County Clerk

RETURNED AT COUNTER TO:

Fort Bend County Clerk
Admin Services Coordinator

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Laura Richard, County Clerk

Fort Bend County Texas

March 24, 2020 02:46:23 PM

FEE: \$0.00 RMM

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