



FILED FOR RECORD
AT 5:00 O'CLOCK P.M.

AUG 10 2020

Sylvia Garza-Perez
CAMERON COUNTY CLERK
By: *[Signature]* Deputy

Eddie Treviño, Jr.
County Judge

**THIRD AMENDED EMERGENCY MANAGEMENT ORDER INCLUDING
MANDATORY FACIAL COVERINGS, CURFEW, LIMITATIONS ON
GATHERINGS, SHELTER-IN-PLACE, AND BEACH ACCESS CLOSURES**

WHEREAS, pursuant to Texas Government Code Section 418.108, Cameron County Judge Eddie Treviño, Jr., declared a state of local disaster on March 16, 2020, due to the imminent threat arising from COVID-19; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 21, 2020, the Cameron County Commissioners Court approved Cameron County Commissioners Court Order Extending Coronavirus/COVID-19 Disaster Declaration; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the Cameron County Commissioners Court authorized the Cameron County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975; and

WHEREAS, on August 9, 2020, according to the CDC, in less than a month's time, Texas' positive cases have surged from 258,658 to 481,483, a 186% increase within 27 days. Out of 254 Texas counties, Cameron County ranks eighth in most positive cases, sixth with most COVID-19 related deaths, and third with most active cases, as per the Texas Department of State Health Services. Between July 3, 2020 and August 8, 2020, the total number of recorded COVID-19 cases went from 2,692 to 16,590, and from 63 deaths to 367 deaths within the same time period; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS), and by approval of the Cameron County Commissioners Court which authorized the Cameron County Judge to take such actions as are necessary in order to protect the health and safety of the citizens of Cameron County by the issuance of orders; and

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of the ongoing public health emergency; and

WHEREAS, on June 17, 2020, the Cameron County Judge issued Amended Emergency Management Order Including Mandatory Facial Coverings; and

WHEREAS, on June 29, 2020, the Cameron County Judge issued a Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, and Beach Access Closures; and

WHEREAS, on July 10, 2020, the Cameron County Judge issued Extension of the Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, and Beach Access Closures; and

WHEREAS, on July 24, 2020, the Cameron County Judge issued the Second Extension of Second Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, Shelter-in-Place and Beach Access Closures; and

WHEREAS, it is the intent of this Third Amended Emergency Management Order Including Mandatory Facial Coverings, Curfew, Limitations On Gatherings, Shelter-In-Place, and Beach Access Closures to remain as consistent and to harmonize with, to the extent possible, the executive orders of Governor Greg Abbott and the current declarations of the Mayors of the cities in Cameron County (as extended or modified); and

WHEREAS, by the authority vested in the County Judge and as the Emergency Management Director for the County to continue to protect the health and safety of the community and address the developing and rapidly changing circumstances when presented by the current public health emergency, he hereby issues this Third Amended Emergency Management Order including Mandatory Facial Coverings, Curfew, Limitations on Gatherings, Shelter-in-Place, and Beach Access Closures; and

WHEREAS, the purpose of this Order is to reduce vulnerability of people and the community to injury and loss of life resulting from COVID-19; and

WHEREAS, this Order is put in place for prompt and efficient care and treatment of persons victimized or threatened by COVID-19 through the authorization and provision for cooperation in disaster mitigation, preparedness, response and recovery thereby coordinating activities relating to disaster mitigation, preparedness, response, and recovery by federal, state, and local entities; and

WHEREAS, this order will provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by COVID-19; and

WHEREAS, failure to comply with any of Governor Abbott's Executive Orders issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000.00 and may be subject to regulatory enforcement; and

WHEREAS, pursuant to Texas Government Code Sec. 418.173(b) and the Cameron County Emergency Plan, it is an offense to violate a condition or restriction of any Order issued by the County Judge, during the public health disaster. Said offense shall be punished by a fine not to exceed \$500.00, except that the offense shall be punished by a fine not to exceed \$1,000.00 if it is shown on the trial of the offense that the person has been previously convicted an offense under this section.

THEREFORE AND ACCORDINGLY PURSUANT TO THE TEXAS DISASTER ACT OF 1975, THE COUNTY JUDGE HEREBY ISSUES THIS THIRD AMENDED EMERGENCY MANAGEMENT ORDER AS FOLLOWS:

Effective as of 11:59 p.m. on Monday, August 10, 2020, (*"Effective Date"*), and continuing through 11:59 p.m. on Wednesday, September 9, 2020, unless extended or modified by the County Judge or as otherwise indicated below:

1. PUBLIC HEALTH EMERGENCY.

- a. This Third Amended Emergency Management Order continues the local disaster declaration and public health emergency for Cameron County for the period specified in this Third Amended Emergency Management Order.
- b. This Third Amended Emergency Management Order incorporates and adopts by reference all currently active orders issued/promulgated by the Governor relating to the COVID-19 disaster.

2. HEALTH AND SAFETY POLICY – COMMERCIAL ENTITIES.

- a. All commercial entities in the County providing goods or services directly to the public must adopt and post a health and safety policy (*"Health and Safety Policy"*).

- i. Said Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible.
- b. The Health and Safety Policy may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings.
- c. Commercial entities must post the required Health and Safety Policy in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.
- d. Failure by the owner/operator of a Commercial Entity to develop, implement, and ensure compliance with the Health and Safety Policy by employees, visitors, and/or patrons of said commercial entity shall be punishable by a fine not to exceed \$500 for each individual violation.

3. COMMERCIAL ENTITIES.

- a. Operating permits, occupancy permits, and other locally granted permits may be revoked if a commercial entity is found not to be in compliance with these provisions, the Texas Governor Executive Orders or any local order issued by the Cameron County Judge.
- b. The owner/operator of a commercial entity may be subject to a fine not to exceed \$500 for each individual violation of said orders. Every person within or on the premises of the commercial entity who is in violation of any Order shall be considered a violation for which the commercial entity and/or operator shall be held liable.
- c. Party boats, pleasure boats, and any other such businesses offering the use of a boat, vessel, motorboat, outboard motor, or personal watercraft, as defined by §31.003 of the Texas Parks and Wildlife Code, for use in the navigable waterways of the State of Texas within Cameron County are *commercial entities* and subject to the "Health and Safety Policy-Commercial Entities" portion of the Order.

4. FACE COVERINGS - GENERAL PUBLIC.

- a. All people 10 years or older shall wear a face mask covering their nose and mouth when in a public place or working in areas that involve close proximity with other coworkers.¹ Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Cameron County residents or visitors should continue to maintain social distancing of at least six feet while outside their home.
- b. IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.
 - i. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.
- c. Face coverings do not need to be worn in the following circumstances:
 - i. When exercising or engaging in outside physical activities; and
 - ii. While driving alone or with passengers who are part of the same household as the driver; and
 - iii. When doing so poses a greater mental or physical health, safety, or security risk; and
 - iv. While pumping gas or operating outdoor equipment; and
 - v. When actively consuming food or drink.
- d. BE ADVISED: Face coverings are a secondary strategy to other mitigation efforts. Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask.
- e. All people should:
 - i. Wash their hands frequently before you leave and return home; and
 - ii. Practice Social Distance by staying at least six feet away from others; and

¹ The CDC advises face coverings for people 2 years or older.

- iii. Avoid touching nose, face, or eyes; and
 - iv. Not use disposable masks more than three times; and
 - v. Wash reusable cloth masks regularly to prevent the spread of the virus.
- f. It is strongly recommended that people should Shelter-In-Place, not to leave their home unless conducting essential activities or performing essential services or essential travel.
- g. Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation. A citation under this provision does not absolve or limit the liability of a premise operator/owner for their obligations under other parts of this order.

5. CAMERON COUNTY ESSENTIAL BUSINESS.

- a. All persons are encouraged to:
 - i. Conduct essential County business online or via regular mail; and,
 - ii. Avoid visiting any County Building/Facility unless absolutely necessary.

6. CURFEW.

- a. In addition to the recommendation to Shelter-In-Place, a curfew for all persons is imposed.
 - i. Unless accompanied by a parent or guardian or engaging in essential travel, no person seventeen and/or younger may be outside their residence between the hours of 10:00 p.m. to 6:00 a.m.
 - ii. Unless seeking emergency assistance or engaged in essential travel no person may be outside their residence between the hours of 11:00 p.m. and 5:00 a.m.
- b. It is an offense under the Texas Disaster Act of 1975 and the Cameron County Emergency Management plan to violate the curfew issued in the June 29, 2020 Order and extended herein.
- c. "Essential Travel" includes travel for the following purposes:

- i. Any travel related to the provision of or access to Essential Services² including for employment purposes; and
- ii. Any travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons; and
- iii. Any travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and business operations; and
- iv. Any travel to return to a place of residence from outside the jurisdiction;
- v. Any travel to and from a place of employment; and
- vi. Any travel required by First Responders, Law Enforcement or court order; and
- vii. Any travel required for non-residents to return to their place of residence outside the County; and
- viii. Any travel required by medical personnel or any travel required for medical assistance.

7. OUTDOOR GATHERINGS.

- a. No outdoor gatherings shall occur with more than 10 participants.
 - i. Except that, said restriction on gatherings shall not apply to any outdoor gatherings involving religious services, conducted as part of a youth camp, recreational sports activities and amusement park³ or as otherwise allowed under proclamation amending Executive Order GA-28.
- b. Organized fishing tournaments and similar recreational activities are excluded from the term/definition of recreational sports activities.

8. SOCIAL GATHERINGS.

²See <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

³ An area equipped with such recreational devices as merry-go-round, Ferris wheel, roller coaster, go-carts, bungee jumping, etc., and usually having booths for games and refreshments.

- a. No groups of more than 10 persons that are not members of a single family may assemble socially whether indoors or outdoors.
- b. Except as provided in GA-28 or in the minimum standard health protocols recommended by DSHS,⁴ people should take care when gathering in groups including by required use of facial coverings and adhering to social distancing requirements and good hygiene practices.

9. DINE IN RESTAURANTS.

- a. Commercial entities that earn less than 51 percent of their gross receipts from the sale of alcoholic beverages for on premises consumption may offer food for sale for on premises consumption conditioned that the commercial entity operates at less than 50 percent of the total listed on the occupancy certificate issued by the appropriate regulator.
- b. Operating permits, occupancy permits, and other locally granted permits may be revoked if a commercial entity is found to not be in compliance with these provisions, the Texas Governor Executive Orders or any local order issued by the Cameron County Judge.
- c. The owner/operator of a commercial entity may be subject to a fine not to exceed \$500 for each individual violation of said orders.
- d. Every person within or on the premises of the commercial entity who is in violation of any order shall be considered a violation for which the commercial entity and/or operator shall be held liable.

10. COUNTY PARKS AND BEACH ACCESS POINTS CLOSURE.

- a. By order of the County Judge the County Parks and County beach access areas are closed. This includes the following parks and beach access areas:
 - i. Isla Blanca Park;
 - ii. Andy Bowie Park;
 - iii. E.K. Atwood Park;
 - iv. County Beach Access No. 3;
 - v. County Beach Access No. 4;
 - vi. County Beach Access No. 5;
 - vii. County Beach Access No. 6;
 - viii. Boca Chica Beach;
 - ix. Bejarano-McFarland Memorial Park;
 - x. Pedro "Pete" Benavides Park;

⁴ Found at www.dshs.texas.gov/coronavirus.

- xi. Laureles Regional Park;
- xii. El Ranchito Community Park;
- xiii. El Ranchito Recreational Park;
- xiv. Santa Maria Community Park;
- xv. La Paloma Regional Park;
- xvi. Santa Rosa Community Park; and,
- xvii. La Esperanza Community Park.

11. NO OCCUPANCY LIMIT FOR LOCAL GOVERNMENT OPERATION.

- a. In accordance with Governor Abbott's Executive Orders there is no occupancy limit for local government operations, including county and municipal government operations relating to licensing (marriage licenses), permitting, recordation, document-filing services, or as determined by the local government (including but not limited to public foreclosure sales).

12. HWY 100 (PARK ROAD 100).

- a. Parking on the shoulder of Park Road 100/Ocean Blvd. north of Edwin King Atwood Park is hereby prohibited.
- b. The owner/operator of a vehicle in violation of this provision shall be punished by a fine not to exceed \$500.
- c. Driving over or walking over the dunes to access the beach is prohibited. A violation of this prohibition is subject to civil and criminal penalty under this Order and other state and local statute/ordinance.
- d. Driving or walking around barricades at closed access points is prohibited. A violation of this prohibition is subject to civil and criminal penalty under this Order and other state and local statute/ordinance.

13. SEVERABILITY.

- a. The sections, paragraphs, sentences, clauses, and phrases of this Third Amended Emergency Management Order are severable and if any phrase, clause, sentence, paragraph, or section of this Third Amended Emergency Management Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections that can be given effect without the invalid provision, and to this end, the provisions of this Third Amended Emergency Management Order are severable.

14. INTERPRETATION AND ADDITIONAL TERMS.


- a. To the greatest extent possible, this Third Amended Emergency Management Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor.
- b. All provisions of the executive orders of the 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 Third Amended Emergency Management Order, enforceable and is set forth herein without necessity for the issuance of any further orders.

15. ENFORCEMENT.

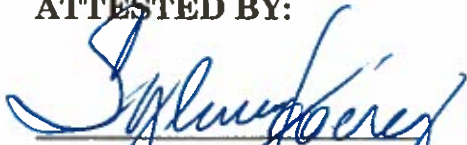
- a. In accordance with the limitations contained in the executive orders of the Governor, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Third Amended Emergency Management Order in accordance with the authority granted under the Texas Disaster Act of 1975 and the Cameron County Emergency Management Plan.

FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

SO ORDERED this 10th day of August 2020.


Eddie Treviño, Jr.
Cameron County Judge

ATTESTED BY:


Sylvia Garza Perez
Cameron County Clerk

