



CHAD SIMS
HARRISON COUNTY JUDGE

FILED FOR RECORD

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ELIZABETH JAMES
CO. CLERK HARRISON COUNTY

BY A-T

Third Amendment of Declaration of Local Disaster and Public Health Emergency Related to Communicable Disease

WHEREAS, on March 26, 2020, I, Chad Sims, as County Judge of Harrison County, Texas, issued a Declaration of Local Disaster and Public Health Emergency for the County of Harrison resulting from the global pandemic of the novel coronavirus designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, on April 1, 2020 the Harrison County Commissioner's Court confirmed the March 26, 2020 Disaster Declaration; and,

WHEREAS, on April 13, 2020, said Order was extended until further notice; and

WHEREAS, the conditions necessitating the aforesaid Declaration continue to exist; and,

WHEREAS, since April 1, 2020, additional persons in Harrison County have tested positive for the aforesaid SARS-CoV2 virus; and,

WHEREAS, in his March 22, 2020, press conference, the Governor of the State of Texas acknowledged that counties and cities may need to enact more stringent measures to address this public health emergency; and,

WHEREAS, on April 17, 2020, the Governor of the State of Texas issued new orders including the second Executive Order GA-16.

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Third Amended Renewal and Continuation of Declaration of Local Disaster and Public Health Emergency Related to Communicable Disease (herein sometimes called this "Order") is required; and,

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Northeast Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and,

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and,

WHEREAS, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus; and,

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed; and,

WHEREAS, one proven way to slow the transmission of the COVID-19 virus is to limit interactions among people to the greatest extent practicable; and,

WHEREAS, by reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County;

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY CHAD SIMS,
COUNTY JUDGE OF HARRISON COUNTY, TEXAS:

1. The previously Amended Declarations of Local Disaster and Public Health Emergency for Harrison County, Texas, are hereby renewed and continued, as amended herein.
2. This Declaration of Local Disaster and Public Health Emergency shall continue in effect until the County terminates its consent to the continuation of this Declaration or until this Declaration is terminated by order of the County Judge, whichever occurs first.
3. Pursuant to §418.108(c) of the Texas Government Code, this amendment to the Declaration of Local Disaster and Public Health Emergency issued for the County on April 21, 2020, shall be given prompt and general publicity and shall be filed promptly with the Harrison County Clerk.
4. Pursuant to §418.108(d) of the Texas Government Code, this amendment to the aforesaid Declaration of Local Disaster and Public Health Emergency continues to activate the Emergency Management Plan.
5. Pursuant to Local Disaster Declaration on March 26, 2020, the County Judge is authorized, without further action of the Commissioners Court, to exercise any powers, take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation §418.108 and §418.1015 of said chapter.
6. All officers and employees of the County of Harrison, including without limitation all law enforcement officers employed by the County and all emergency medical personnel

employed by the County, are hereby authorized and directed to continue to cooperate to the fullest extent allowed by law with the health authority designated by the County of Harrison pursuant to Chapter 121 of the Texas Health and Safety Code to enforce any and all communicable disease control measures imposed by said health authority pursuant to Chapter 81 of the Texas Health and Safety Code or other applicable law.

7. All individuals currently living within County of Harrison, Texas (the "County") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times, as reasonably possible, maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 11. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

8. All businesses with a facility in the County, except Essential Businesses as defined below in Section 11, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open; however, even Essential Businesses are encouraged to determine essential staff necessary to operate and to send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 11 below, including, but not limited to, when any customers are standing in line.

9. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 11. Nothing in this Order prohibits the gathering of members of a household or living unit.

10. All travel, except Essential Travel and Essential Activities as defined below in Section 11, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 11 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

11. Definitions and Exemptions:

A. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":

- 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 (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- iii. To engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle. Except for members of a residence who are sheltering together, the individuals shall comply with Social Distancing Requirements as defined in this Section;
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- v. To care for a family member or pet in another household.

But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

- B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

- C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” which is defined as the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Security Agency (CISA), including, but not limited to, 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, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

D. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel (including local, municipal, state and federal courts and those who serve any function in those courts), and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Function,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

E. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

F. For the purpose of this Order, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;

- vii. Banks and related financial institutions;
- viii. Hardware and construction supply stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Laundromats, drycleaners, and laundry service providers;
- xii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up or take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiii. Businesses that supply products needed for people to work from home;
- xiv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- xv. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xvi. Taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xvii. Home-based care for seniors, adults, or children;
- xviii. Residential facilities and shelters for seniors, adults, and children;
- xix. Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);

- xx. Childcare facilities providing services that enable employees exempted in this Order to work as permitted;
 - xxi. Utilities, all telecommunications including internet service providers, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, private investigators, animal shelters, governmental employees who have not been specifically deemed non-essential and sent home by the government entity;
 - xxii. Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research; and
 - xxiii. Religious services provided in residences, Healthcare Operations, at funerals, or provided online while being broadcast from a religious facility.
 - xxiv. Educational institutions including public, private, elementary through high school and institutions of higher education may provide support services to effectively operate online classes and to serve students who may reside on campus.
 - xxv. All essential services listed on the attached CISA report including Energy & Oilfield related operations.
 - xxvi. This category also includes retail establishments able to operate as “Retail-to-Go” as delineated in the Texas Governor’s Executive Order GA-16, effective April 24, 2020.
- G. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions; and
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- H. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes:

- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;
- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- iii. Travel to or from educational institutions for purposes of preparing or receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of residence from outside the jurisdiction;
- v. Travel required by law enforcement or court order, or
- vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
- vii. Travel allowed pursuant to Texas Governor's Executive Order GA-16, effective April 24, 2020.

Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- I. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.
 - J. For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
12. Food establishments are required to have all employees wear a face mask at all times. Cash handling functions and food serving functions are required to be handled by separate employees.
13. Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are

- encouraged to determine staff who are essential to operations and to send non-essential staff home.
14. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, as reasonably as possible, comply with Social Distancing Requirements as defined in Section 11 above.
15. Sections 7 through 14 in this Order, with the exception of #12, were effective at 12:00 a.m. on April 14, 2020, and shall continue until canceled by the Harrison County Judge or the Harrison county Commissioner's Court. Section 12 shall be in effect beginning April 21, 2020 at 11:59 p.m. and remain in effect until further notice.
16. In accordance with federal guidelines, people are still prohibited from visiting nursing home, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance. Additionally, schools will remain temporarily closed to in-person classroom attendance.
17. Citizens are urged to follow the Centers for Disease Control's (CDC) national guidelines, Executive Orders by Governor Greg Abbott and the Harrison County Third Amended Declaration of Local Disaster and Public Health Emergency Related to Communicable Disease.
- i. Restrict physical contact and publicly used areas.
 - ii. Maintain Social Distancing with a safe distance of six (6') feet between individuals.
 - iii. Every person in Texas shall avoid social gatherings in groups of 10 or more per Executive Order of Governor Abbott.
 - iv. Residents should not visit nursing homes, retirement, or long-term care facilities unless to provide critical assistance.
 - v. In accordance with the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors. Residents may still utilize drive-thru, pickup, or delivery options through the Executive Order.
 - vi. Regularly wash hands with warm soap and water for at least 20 seconds.
 - vii. Avoid touching eyes, nose, or mouth.
 - viii. If soap is not available, use at least a 60% alcohol-based hand sanitizer.
 - ix. Avoid close contact with people who are sick. All persons should remain in the home if one person in the home exhibits symptoms.
 - x. Essential errands should be conducted by only one adult from the household. All other family members should remain sheltered at home.

- xii. CDC recommends wearing a cloth face mask in public. The mask will fit snugly, be secured with ear loops, and be able to be laundered and machine dried often. A mask should not be placed on children under age 2, anyone who has trouble breathing, or unable to remove the mask without assistance. A mask with multiple layers of fabric should allow for breathing without restriction. The cloth face coverings recommended are not surgical masks or N-95 respirators as those critical supplies that must continue to be reserved for healthcare workers and first responders.
- xiii. Harrison County recommends all businesses which have employees that interact with the public, wear an appropriate face mask.
18. All provisions of this Order should be interpreted to effectuate its intent.
19. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
20. Physicians and/or medical providers shall report all lab confirmed positive cases to the Texas Department of State Health Services at 866-310-9698 immediately.
21. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order commits an offense punishable by a fine up to \$1,000.00 and/or confinement in jail for a term that does not exceed 180 days, and each day or portion of a day that such a violation continues shall constitute a separate offense.
22. The County of Harrison shall promptly provide copies of this Order by posting it on the 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.
23. 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.
24. Except as expressly provided otherwise herein, this Order shall take effect immediately from and after its issuance and remain in place until further notice.

PROCLAIMED AND ORDERED THIS 21st DAY OF APRIL, 2020



Chad Sims
Harrison County Judge