Hugh Coleman
Precinct 1

Ron Marchant
Precinct 2

Bobbie J. Mitchell
Precinct 3

Dianne Edmondson
Precinct 4

Denton County Commissioners Court
Judge Andy Eads

DISASTER DECLARATION
AND
EXECUTIVE ORDER OF THE DENTON COUNTY COMMISSIONERS COURT

WHEREAS, pursuant to Texas Government Code Section 418.108, Denton County Judge Andy Eads issued the first Executive Order on March 13, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and

WHEREAS, County Commissioners issued a renewal as a Disaster Declaration on March 17, 2020 in Court Order 20-020, the first amendment was issued by County Judge through Executive Order on March 18, 2020, and a second amendment was issued by County Judge through Executive Order on March 22, 2020, and a third amendment was issued by County Judge through Executive Order on March 24, 2020; and

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control, Texas Department of State Health Services, and the Denton County Department of Public Health, warrant the March 24, 2020, Order of County Judge Andy Eads be amended; and

WHEREAS, an innovative response is required to mitigate the future spread of COVID-19 to protect the citizens and businesses of Denton County and all incorporated and unincorporated areas; and

THEREFORE, the March 24, 2020, Executive Order of County Judge Andy Eads is hereby CONTINUED as follows:

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, making it essential to slow the spread of the virus. This Order is for supporting the public and private healthcare providers' ability to handle the influx of new patients and safeguard public health and safety. Due to the risk of the rapid spread of COVID-19 and the need to protect the most vulnerable members of the community, this Order requires all individuals in Denton County to STAY AT HOME – except for specific essential activities, conducting essential business, government services or perform essential public infrastructure construction, including housing.

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, DENTON COUNTY JUDGE ANDY EADS AND DENTON COUNTY COMMISSIONERS COURT ORDERS:

1. Effective as of 11:59 p.m. on March 25, 2020, this Disaster Declaration shall continue through March 31, 2020, by Order of the Denton County Commissioners Court unless rescinded by the County Judge, pursuant to §418.108(b) of the Government Code:
    a. All individuals currently living within Denton County are ordered to STAY AT HOME or their current place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as 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 within Denton County (travel outside of Denton County is not prohibited), provide or perform Essential Governmental Functions, or operate Essential Businesses, all activities as defined and authorized in Section 2.
    b. All businesses operating within Denton County, except Essential Businesses as defined below in Section 2b, are required to cease all activities at facilities located within Denton County. To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guideline set forth by the CDC, including maintaining six-foot social distancing for both employees and the general public. <u>All golf courses in Denton County shall close as approved by Denton County Commissioners Court.</u>
    c. 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 (an apartment or house for use by one family).
    d. Restaurants and beverage bars with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
    e. Religious and worship services may only be provided by video and teleconference. All individuals must follow the Social Distancing Guidelines as set forth by the CDC, including the six-foot social distancing.
    f. All elective medical, surgical, and dental procedures are prohibited anywhere in Denton County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or canceled based on patient risk considering the emergency need for the redirection of resources to COVID-19 response.
2. Definitions:
    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 pets and livestock (for example, obtaining medical supplies or medication, food, visiting a health care professional, caring for pets or livestock, or obtaining supplies required 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 (for example, food, pet supply, and any other essential household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet, except as family units (for example, walking, biking, hiking, or running). The use of public access playground equipment is prohibited.

iv. To perform work for an Essential Business or to carry out activities permitted explicitly in this Order.

v. To care for a family member or pet in another household.

b. For purposes of this Order, "Essential Businesses" as identified by the National Cybersecurity and Infrastructure Agency (CISA), Memorandum of Essential Critical Infrastructure document version 1.1 and is further expanded upon:

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. Home-based and residential-based care for seniors, adults, or children is also considered healthcare operations. Healthcare operations also include veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts on the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 1(f) of this Order.

ii. **Essential Government Functions**. All designated services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety, and welfare of the public. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be conducted in compliance with social distancing requirements of six feet, to the extent possible. State or Federal government agencies shall follow State or Federal guidance to the extent possible.

iii. **Education**. The Superintendent, Headmaster, or CEO of a school district, charter school, or private school shall designate school personnel who are essential to the operation and support of distance-learning for students, preparation and distribution of meals to students, and maintenance/cleaning of facilities during the time of this Order.

iv. **Essential Critical Infrastructure**. Work necessary to the operations and maintenance of the critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA), Memorandum of Essential Critical Infrastructure (Version 1.1 March 23, 2020 attached herein). These include: 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), banks, financial institutions, pawn shops, safety and security related services, retail firearm sales, 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, and all activity performed in compliance with Social Distancing Guidelines as set forth by the CDC.

v. **Essential Retail.** Foodservice and essential household staple providers, including; grocery stores, warehouse stores, big-box stores, liquor stores, gas stations, convenience stores, and farmers markets. Food gathering including; farming, gardening, hunting, fishing, and livestock to the extent allowed by law. Businesses that ship or deliver groceries, food, goods, or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, carry out or drive-thru. Schools and other entities that typically provide free meal services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospitals and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto, and bicycle repair shops, essential marina services, construction supply stores, and hardware stores. A retail store supplying essential office products required to work from home. Essential retail does not include furniture stores.

vi. **Providers of Basic Necessities to Economically Disadvantaged Populations**. Businesses, including non-profit organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

vii. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries (immediate family members may attend). Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal services, accounting services, insurance services, property management, real estate services, pet grooming, pet boarding, RV sales, and services for housing. Businesses that supply other Essential Businesses with support or supplies needed to operate.

viii. **Automotive Sales:** Automobile dealerships may continue online sales; showrooms must remain closed. Appointments for necessary paperwork may be

arranged and conducted while practicing social distancing. Virtual test drives shall be used in lieu of traditional test drives.

ix. **News Media.** Newspapers, television, radio, and other media services.

x. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

3. Any manufacturer who retools their business for manufacturing and producing ventilators and other medical equipment may qualify for an "Essential Business" exemption under this Order.
4. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Many Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies and equipment in Denton County for the next 60 days.
5. Retail suppliers shall use commonsense rationing of household products and groceries that are in limited supply.
6. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional or in accordance with CDC guidance.
7. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
8. Public and private schools and institutions of higher education are instructed by this Order to review and update their Emergency Management Plans at least 72 hours before students return to a classroom setting.
9. Texas Commissioned Peace Officers are hereby authorized to enforce this Order. A violation of this Order may be punishable through criminal or civil enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed $1,000 or confinement in jail for a term not to exceed 180 days. A violation of this Order is enforceable by the filing of a probable cause affidavit alleging the criminal violation with the appropriate court, or by issuing a citation to the person violating the Order. The citation will contain written notice of the time and place the person must appear before a magistrate of this state, the name and address of the person charged, and the offense charged.
10. The County of Denton must promptly provide copies of this Order by posting on dentoncounty.gov. 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 on-site 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.

The purpose of this Order is for emergency protective measures, mitigation procedures and response plans to the current public health emergency;

DONE IN OPEN COURT, this the 27th day of March 2020, upon motion made by:

Hugh Coleman and seconded by Bobbie J. Mitchell and five members of the court being present and voting.

ANDY EADS, COUNTY JUDGE

HUGH COLEMAN,
COMMISSIONER PRECINCT 1

RON MARCHANT,
COMMISSIONER PRECINCT 2

BOBBIE J. MITCHELL,
COMMISSIONER PRECINCT 3

DIANNE EDMONDSON,
COMMISSIONER PRECINCT 4

ATTEST:

JULI LUKE, County Clerk and Ex-Officio
Clerk of the Commissioners Court of Denton County

BY: Juli Luke