



County of Deaf Smith

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DJ WAGNER
COUNTY JUDGE

FIRST AMENDED DECLARATION OF DISASTER

WHEREAS, on March 13, 2020, Texas Governor Greg Abbot declared a state of emergency related to the outbreak of COVID-19 and suspended multiple state statutes and rules to promote social distancing protocols; and

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020: and

WHEREAS, on March 20, 2020, the County Judge of Deaf Smith County declared a local disaster; and

WHEREAS, on March 24, 2020 the Deaf Smith County Commissioners Court continued the Declaration; and

WHEREAS, it is imperative that the Local Health Authority and Deaf Smith County receive the most up to date information concerning all aspects of COVID-19 testing conducted at public, private and commercial laboratories in order to better coordinate communication and response to a local and state disaster;

WHEREAS, Section 81.042 of the Health and Safety Code requires that laboratories communicate and report instances of communicable infectious disease to local public health authorities.

WHEREAS, The County Judge now issues this First Amended Declaration of Disaster to implement restrictions to help combat the spread and impact of COVID-19 in Deaf Smith County; and

WHEREAS, based on consultations with medical experts and learning from the experience of other communities, the Deaf Smith County Judge now finds that each provision of this Order is prudent, necessary or convenient to protect the public health, safety, or welfare by: (I) reducing unnecessary social interactions thereby slowing the spread of disease in our community; or (ii) constraining routine non-emergent medical and dental services in order to conserve the limited stores of healthcare supplies and other medical resources in our county for emergencies and the fight against Covid-19; or (iii) attempting to assure essential businesses remain available to serve the public despite the restrictions ordered herein.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, THE DEAF SMITH COUNTY JUDGE DOES HEREBY FIND AND ORDER

1. That a state of disaster and public health emergency is hereby declared for Deaf Smith County, pursuant to §418.108(a) of the Texas Government Code.

2. That the state of disaster and public health emergency shall continue for a period of not more than seven days of the date hereof, unless the same is continued by the Deaf Smith County Commissioners Court, Texas, pursuant to §418.108(b) of the Texas Government Code.

3. That this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk, pursuant to §418.108(c) of the Texas Government Code.

4. That the County's Emergency Operations Plan is activated and implemented, pursuant to §418.108(d) of the Texas Government Code.

5. That this declaration authorizes the County to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units, emergency shelters for evacuees, or for the provision of medical or healthcare services subject to compensation requirements, pursuant to §418.020(c) of the Texas Government Code.

6. That this declaration authorizes the County to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the County, and fining those who do not comply with the County's rules, pursuant to §122.006 of the Health and Safety Code.

7. All individuals living in Deaf Smith County are ordered to stay at home consistent with the direction and guidance in this declaration. 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 6 feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Travel, Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential or Low-Risk Businesses, all as defined in Section 15.

8. All businesses operating within Deaf Smith County, except Essential or Low-Risk Businesses as defined below in Section 15, are required to close to the public. To the greatest extent possible, all **businesses may continue operations consisting exclusively of the following nature but shall adhere to social distancing protocols of at least 6 feet for all employees, contractors, and members of the public:**

- a. Performing activities at their own residences (i.e. working from home);
- b. Operations necessary to maintain security, payroll, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
- c. IT or other operations that facilitate employees working from home;
- d. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
- e. In-store repair services performed by employees in a store or facility closed to the public. To the greatest extent possible, all Essential Businesses shall maintain 6-foot social distancing

for both employees and the general public.

9. That this declaration hereby orders that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; liquor store; or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law. In no event shall more than **ten** nonemployees be present inside of a business covered by this section at any one time.

10. 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 declaration prohibits the gathering of members of a household or living unit.

11. All elective medical, surgical, and dental procedures are prohibited anywhere in Deaf Smith 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 cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

12. 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 but may seek medical services as needed from medical personnel and facilities.

13. Nursing homes, retirement, hospice, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of- life visitation.

14. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, or automobile, except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential or Low-Risk Business, or Essential Government Function, as defined herein, is prohibited.

15. Definitions:

a. For purposes of this declaration, individuals may leave their residence only to perform any of the following **""Essential or Low-Risk 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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed 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 and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.

iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of 6 feet (for example, walking, biking, hiking, golfing, or running).

Outdoor activities do not include activities that by their inherent nature do not allow for social distancing. Amenities (such as playgrounds, sports courts, athletic fields for group sports, skate parks, group pavilions or shelters) at public parks that are closed to the public by this declaration.

iv. To perform work providing essential products and services at an Essential Business, to otherwise carry out activities directly related to government or health care response to the COVID-19 pandemic, or to perform any other activities specifically permitted in this declaration.

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

b. For purposes of this declaration, "Essential or Low Risk Businesses" means:

i. **Essential Health Care Services.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. 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 this declaration.

ii. **Essential Government Functions.** All 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. All Essential Government Functions shall be performed in compliance with social distancing requirements of 6 feet, to the extent possible.

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 and other private transportation providers such as Uber and Lyft that provide transportation services necessary for the performance of Essential Activities, Essential or Low-Risk Businesses, essential infrastructure, or Essential Government Functions, 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, essential manufacturing operations.

iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, gas stations, convenience stores, and farmers' markets that sell food products and household staples, pet and feed stores. Food cultivation, including farming, fishing, and livestock. Businesses that are not open to the public but that ship or deliver groceries, food, and other essential goods directly to residences. Liquor stores and restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through or carry out. 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. The restriction of delivery or carry out does not apply to

cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Auto-supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants are closed except for pick-up and room service.

v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.

vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential or Low-Risk Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other Essential Businesses with support or supplies needed to operate.

vii. News Media. Newspapers, television, radio, and other media services.

viii. Financial Institutions. Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, and title companies.

ix. Real Estate Transactions. Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.

x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential or Low-Risk Business to work as permitted.

xi. Animal Shelters and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons, but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform health care services or other Essential or Low-Risk Business services.

xii. Construction. Construction under a valid permit issued by a governmental entity.

xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time.

xiv. Security-related services and equipment for protection of persons, residences, or business which includes security patrols, alarm monitors, dispatch, and retail sales of

firearms and ammunition.

xv. Moving Supply Services. Businesses that provide residential and/or commercial moving services and necessary moving supplies.

c. Essential Travel. For the purposes of this declaration, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

i. Any travel related to the provision of or access to Essential or Low-Risk Activities, Essential Governmental Functions, and Essential or Low-Risk Businesses;

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 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;

vi. Travel by church staff/clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;

vi. Travel related to a funeral service; or

viii. 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.

16. That this declaration hereby authorizes the use of all lawfully available enforcement processes.

17. Cooperation: Every business and company allowed to remain open shall promptly cooperate with the Local Health Authority, City of Hereford, or Deaf Smith County when such entity requests pertinent information in the course of a "contact investigation" arising out of a customer, passenger, vendor, or other person believed to have entered or used the services of such business. The business shall provide all requested information, including full identity and contact information for each employee, agent operator, manager, contractor, or other person reasonably implicated or suspected in the course of such investigation, for whom the business has such information.

18. All such stores or businesses shall by **11:59 p.m. March 31st, 2020** comply with the following requirements:

a. Shall ensure that at all times customers are queued in such a manner that there is at least 6 feet of space between each person.

b. Stores shall take extra measures to sanitize common surfaces including but not limited to carts, baskets, credit card machines, check-out lanes, restroom door handles, sink faucets.

c. All employees shall ensure they maintain proper hygiene through frequent handwashing.

d. Any employee who is exhibiting any symptoms of illness shall be sent home.

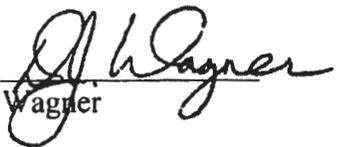
19. That this declaration shall take effect at 11:59 pm on March 31st, 2020, and Shall be in effect for no more than 7 days, subject to further change by the Deaf Smith County Judge and a resolution of continuation by the Deaf Smith County Commissioners.

20. The County Judge may amend these restrictions as necessary to respond to evolving circumstances of this outbreak during the duration of the Disaster Declaration and any extension thereof by the Deaf Smith County Commissioners Court.

21. That all prior Declarations and Orders issued by the County Judge or confirmed by the Deaf Smith County Commissioners Court not contrary to the terms of this First Amended Declaration of Disaster remain in full force and effect.

22. That Deaf Smith County Sherriff Deputies are hereby authorized to enforce this ORDER and Declaration. Further, persons who violate this Order will be charged with a criminal violation. Violations of this declaration will subject the violator to a \$1,000.00 fine and 180 days in jail as authorized by Section 418.173 of the Texas Government Code.

ORDERED this the 31st day of March, 2020


D.J. Wagner

Deaf Smith County Judge

MAR 31 2020 PM 7:42