

SAN PATRICIO COUNTY



FILED
AT 9:30 A M O'CLOCK

APR 13 2020

GRACIE ALANIZ-GONZALES County Clerk
San Patricio County, Texas

BY Gracie Alaniz-Gonzalez DEPUTY
Clerk

EXECUTIVE ORDER DK-02
OF THE HONORABLE JUDGE DAVID R. KREBS
ISSUED APRIL 13, 2020 IN RESPONSE TO NOVEL CORONAVIRUS

WHEREAS, the novel coronavirus (COVID-19) is recognized globally as a contagious respiratory virus and on March 11, 2020, was declared a pandemic by the World Health Organization; and

WHEREAS, the Honorable Greg Abbott, Governor of the State of Texas, on March 13, 2020 certified that COVID-19 posed an imminent threat of disaster for all counties in Texas in accordance with the authority vested to the Governor in Section 418.014 of the Texas Government Code; and

WHEREAS, for the first time since 1901, Dr. John Hellerstedt, the Commissioner Texas Department of State Health Services declared a public health disaster in Texas on March 19, 2020 because COVID-19 “has created an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease’s method of transmission and evidence that there is community spread in Texas;” and

WHEREAS, pursuant to Texas Government Code Section 418.108 and due to the imminent threat arising from COVID-19, San Patricio County Judge David R. Krebs declared a local state of disaster on March 16, 2020 followed by the First Amended Declaration of Local State of Disaster Due to Novel Coronavirus which was declared and later consented to by the Commissioners Court on March 19, 2020; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on April 13, 2020 the San Patricio County Commissioners Court approved the Order Continuing Declaration of Local State of Disaster for San Patricio County (hereafter, the “Order of Continuation of Declaration”); and

WHEREAS, the Order of Continuation of Declaration further reserves all other authority and powers conferred by or under the laws of the State of Texas and authorized the San Patricio County

Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Order of Continuing Declaration; and

WHEREAS, with the approval of the Commissioners Court to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of San Patricio County, the County Judge has determined that extraordinary measures must be taken to prepare for, respond to, and mitigate the spread of COVID-19; and

WHEREAS, this Order implementing emergency powers is issued pursuant to Texas Government Code Chapter 418 to include authorizing the County Judge to control, among other things, the ingress, egress, movement, and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) and his authority as Emergency Management Director; and

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Abbott and the mandates contained therein (as extended or modified); and

WHEREAS, Executive Order DK-01 is subject to expiration at 11:59 p.m. on April 13, 2020, absent further action by the County Judge; and

WHEREAS, by the authority vested in me as San Patricio County Judge and as the Emergency Management Director for the County of San Patricio to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by COVID-19 public health emergency, I hereby rescind my previous Executive Order DK-01 and issue this revised Executive Order DK-02 in its place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, SAN PATRICIO COUNTY JUDGE DAVID R. KREBS HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

SECTION I

Effective as of 11:59 p.m. on Monday, April 13, 2020, and continuing through 11:59 p.m. on May 4, 2020, unless extended, terminated early by San Patricio County Judge David R. Krebs or otherwise indicated below:

1. Subject to the definitions and further guidance set out in Subsection (i) below, that all persons currently residing within the incorporated and unincorporated territory of San Patricio County are hereafter directed to stay at home ("Stay Home Work Safe Measures"). All persons may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined by Texas Governor's Executive Order GA-14 dated March 31, 2020 and this Executive Order herein) but must implement all social distancing requirements and adopt other mitigating measures. In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person residing within the incorporated and unincorporated territory of San Patricio County, Texas shall,

except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household. Nothing in this Executive Order prohibits the gathering of members within a household.

2. With the exception of Exempted Businesses (defined as “Essential services” in Texas Governor’s Executive Order GA-14), that all businesses operating within San Patricio County are required to cease all activities at any facility located in the incorporated or unincorporated portions of San Patricio County. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities at their own residences (i.e. working from home or operation of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.

(i) **Definitions of Exempted Business and Exempted Individual Activity:**

1. For purposes of this Executive Order, Exempted Activities are defined as follows:
 - a. **Health and Safety Activities.** For example, 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 food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.
 - b. **Necessary Supplies.** 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 supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
 - c. **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, hunting or fishing, provided that the individuals comply with social distancing requirements of six feet.
 - d. **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.
2. For purposes of this Executive Order, **Exempted Businesses** are those that are defined as “Essential Services” in Texas Governor’s Executive Order GA-14 and shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 plus religious services conducted in churches, congregations, and houses of worship; and means:

- a. **Healthcare Services.** For example, 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. Nursing Homes, Retirement Homes, Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also include veterinary care and all healthcare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to 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.*
- b. **Government Functions.** For example, those 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 including law enforcement and operation of jails and detention facilities, fire and EMS or otherwise necessary for health and safety of residents of San Patricio County.
- c. **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and companies engaged in science or engineering research and development.
- d. **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, 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).
- e. **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; b) public transportation; c) businesses supporting airport operations; d) street and highway maintenance and construction; e) gas stations and other fuel distribution businesses; f) vehicles for hire including taxis and rideshare.

- f. **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- g. **Food, Household Staples and Retail.** For example, food service providers, including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples for pick-up or businesses that ship or deliver groceries, food, goods or services directly to residences. Nothing shall restrict employees supporting pick-up or delivery under this exception so long as there is sufficient space to implement social distancing. Restaurants prepared food retailers, microbreweries, micro-distilleries, or wineries and other facilities that prepare and serve food, but only for delivery, curbside pick-up or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis.
- h. **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- i. **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example, hotels and other temporary residence facilities, laundromats, dry cleaners, and laundry service providers, trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, warehouse/distribution and fulfillment, and storage for Essential Businesses. This shall include plumbers, 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 Exempted Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
- j. **News Media.** To include newspapers, television, radio, and other media services.
- k. **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and service providers as well as companies providing insurance services and products.
- l. **Childcare Services.** To include childcare facilities providing services that enable employees exempted in this Executive Order to work as permitted.
- m. **Worship Services.** Religious and worship services may be provided by video, teleconference or other remote measures. If, however, religious

services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

- n. **Funeral Services.** For example, funeral homes, crematoriums and cemeteries.
 - o. **CISA Sectors.** All business and operations necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity Infrastructure Agency ("CISA") and outlined at: <http://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-08c.pslf>.
 - p. **Other Essential Services.** Those services added to a list of essential services by approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in the executive order of Governor Greg Abbott and in any approved additions and those deemed as essential services by TDEM shall automatically be incorporated in this Executive Order DK-02.
3. That San Patricio County rental property owners temporarily suspend evictions for at least the next 30 days to prevent renters from being displaced due to the public health emergency.
 4. That foreclosure proceedings within San Patricio County be temporarily suspended for at least the next 30 days to prevent the displacement of occupants during the public health emergency.
 5. That all County-owned parks shall be closed to the public. These closures will remain in effect until this Executive Order DK-02 of the San Patricio County Judge is rescinded or expire.
 6. That residents of San Patricio County conduct essential San Patricio County business online or via regular mail to avoid visiting any San Patricio County facilities unless absolutely necessary.
 7. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or serves on 11:59 p.m. on Thursday, March 26, 2020, except where an increased retail price is the result of documented cost increase from suppliers or other similar cost increases (including the loss of supplier funds to support products):
 - a. Groceries, beverages, toilet articles, ice;
 - b. Restaurant, cafeteria, and boarding-house meals; and
 - c. Medicine, pharmaceutical, and medical equipment and supplies.

8. That as of the date of this Executive Order and continuing for the remainder of the period set out in the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20-008, all courts within San Patricio County restrict non-essential in person proceedings in accordance with this Executive Order.
9. That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then they must follow the isolation and quarantine measures proscribed by local, state, or federal health authorities. If someone in a household has tested positive for COVID-19, then other members of the household shall consider themselves positive if they become symptomatic and must follow the current policies and procedures in place for isolation and quarantine proscribed by local, state, or federal health authorities.
10. Pursuant to the **WEATHER CLOSINGS AND EMERGENCIES** provisions of the San Patricio County Employee Manual, the following measures are also hereby Ordered continued as set forth herein:
 - a. Beginning Tuesday, March 31, 2020 only Essential Employees are required to remain working and performing essential government functions.
 - b. The provisions of **WEATHER CLOSINGS AND EMERGENCIES** will be lifted on Monday, April 27, 2020 at 12:01 a.m. unless extended, or terminated early by County Judge. All employees must report back to work at their regularly scheduled time on Monday, April 27, 2020.
11. **CURFEW**: Effective as of 11:00 p.m. on Monday, April 13, 2020, and continuing through 12:01 a.m. on Tuesday, May 5, 2020, unless this Order is extended or terminated early by San Patricio County Judge David R. Krebs, no individual shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 11 o'clock P.M. and 5 o'clock A.M., unless performing a function related to an Exempted Business.
12. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.
13. **ENFORCEMENT**: Pursuant to Sec. 418.173, Texas Government Code, the failure to comply to a rule, order, or ordinance adopted under the Texas Disaster Act of 1975, is an offense punishable by a fine not to exceed \$1,000, or confinement in jail for a term not exceeding 180 days, or both a fine and confinement. That any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act. A citation issued

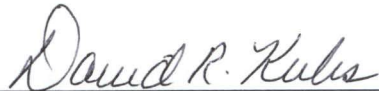
under this Order must state the name of the person cited, the violation charged, and the time and place the person is required to appear in court. If a person who receives a citation under this subsection fails to appear on the return date of the citation, the court may issue a warrant for the person's arrest for the violation described in the citation. A violation under this Order is punishable by a fine up to \$500.00 for the first violation and \$1,000 for each violation thereafter; or confinement in jail for term not to exceed 180 days, or both fine and confinement.

14. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive 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 Executive Order are severable.

Section II

All provisions of the executive orders of Governor Greg Abbott 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 Executive Order enforceable as if set forth herein without necessity for the issuance of any further orders. To the extent that there is a conflict between this Order and Executive Order GA-14 of the Governor, the Texas Governor's Executive Order GA-14 shall supersede any conflicting order in place by the County in response to the COVID-19 disaster, but only to the extent that the County's order restricts essential services allowed by GA-14 or allows gatherings prohibited by GA-14; otherwise, conflict with any other executive order of the Governor, the strictest order shall prevail.

DECLARED and **ORDERED** this the 13th day of April, 2020.

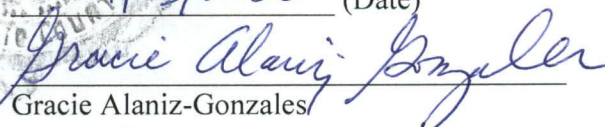


David R. Krebs
San Patricio County Judge

State of Texas, County of San Patricio

I hereby Certify that this instrument was FILED on this date and time stamped hereon by me and was duly RECORDED in the Official Public Records of San Patricio County, Texas on:

 (Date)


Gracie Alaniz-Gonzales
County Clerk