



**ORDER
OF COUNTY JUDGE
STAY HOME STAY SAFE**

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2020 APR -3 PM 4:17
TERESA KIEL
GUADALUPE COUNTY CLERK
BY *C. Kutsch*

WHEREAS, the Center for Disease Control and Prevention ("CDC"), in accordance with its guidance for large events and mass gatherings, has recommended that for the next eight (8) weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of ten (10) people or more throughout the United States and for events of any size to only be continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene, and social distancing; and the CDC stated that its recommendation does not apply to the day to day operation of organizations such as schools, institutes of higher learning, or businesses; and

WHEREAS, on March 15, 2020, the Center for Disease Control and Prevention (CDC) issued guidance and a statement that large events and mass gatherings such as conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies currently pose a risk to the health and safety of persons in the United States; and

WHEREAS, on March 20, 2020, Guadalupe County Judge Kyle Kutscher issued a Declaration of Local Disaster and Public Health Emergency for Guadalupe County; and

WHEREAS, on March 31, 2020 the Guadalupe County Commissioners Court extended the Declaration of Local Disaster and Public Health Emergency for Guadalupe County until April 30, 2020 or until otherwise terminated sooner or extended by action of the County Judge or Guadalupe County Commissioners Court; and

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA 14 Relating to statewide continuity of essential services and activities during the COVID-19 disaster restricting social-distancing Guidelines should extend through April 30, 2020, and schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020; and

WHEREAS, the conditions necessitating a declaration of a local state of disaster continue to exist in Guadalupe County, Texas in relation to the substantial risk to the health and safety of the Guadalupe County residents; and

WHEREAS, pursuant to Section 418.108(g) of the Texas Government Code, a county

judge may control the movement of persons and the occupancy of premises in a disaster area; and

WHEREAS, gatherings of individuals for the health and safety of the people continue to pose a risk for the spread of infectious disease; and

NOW, THEREFORE PURSUANT TO AND IN ACCORDANCE WITH THE TEXAS DISASTER ACT OF TEXAS GOVERNMENT CODE CHAPTER 418, BE IT ORDERED BY THE COUNTY JUDGE OF GUADALUPE COUNTY, TEXAS THAT:

SECTION 1. All individuals currently living within Guadalupe County, Texas ("the County") are ordered to remain and stay at their place of Residence. To the extent individuals are using shared or outdoor spaces as allowed hereunder, 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 or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in Section 4. Individuals experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter and to utilize Social Distancing Requirements.

SECTION 2. All businesses operating in the County, except Essential Businesses as defined below in Section 4, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 4. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e., working from home) without regard to homeowner's association restrictions providing otherwise. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 4 below, including six-foot social distancing for both employees and the general public.

SECTION 3. All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes as expressly permitted herein and defined in Section 4. Nothing in this Stay Home Stay Safe Order prohibits the gathering of members of the same household or family unit at their place of Residence, provided they maintain social distancing wherever reasonably possible.

SECTION 4. Definitions and Exemptions:

- A. Residence.** For purposes of this **Stay Home Stay Safe Order**, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), and hotels, motels, shared rentals, and other related facilities. Where applicable, the term "Residence" shall include the entire area within a property's boundary lines, including porches, yards and balconies

B. Covered Businesses and Covered Entities. For the purposes of this **Stay Home Stay Safe 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.

C. Essential Activities. For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence only to perform any of the following "**Essential Activities**" and it is recommended that families designate a single-family member to conduct said Essential Activities, as deemed necessary:

1. 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, and visiting a health care professional.
2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, 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, and obtaining supplies they need to work from home.
3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, walking, hiking, running, cycling, hunting, or fishing.
4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this **Stay Home Stay Safe Order**, including Minimum Basic Operations.
5. To care for a family member or pet in another household.
6. To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.

D. Healthcare Operations. For purposes of this **Stay Home Stay Safe 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, 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 are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare 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 facilities, athletic gyms, exercise gyms and similar facilities. Healthcare operations do not

include elective medical, surgical, and dental procedures. 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 the current public health and safety concerns.

- E. Essential Critical Infrastructure.** For purposes of this **Stay Home Stay Safe Order**, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Critical Infrastructure**," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by Presidential Policy Directive 21 (PPD-21). The U.S. Department of Homeland Security, Critical Infrastructure Sectors, National Cybersecurity and Infrastructure Agency (CISA) at <https://www.cisa.gov/critical-infrastructure-sectors> Which includes: 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), 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 the Social Distancing Requirements as defined in this Section, including the six foot social distancing, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.
- F. Essential Governmental Functions.** For purposes of this **Stay Home Stay Safe Order**, all services provided by governmental entities needed to ensure the continuing operation of the governmental entities to provide for the health, safety, and welfare of the public are categorically exempt from this **Stay Home Stay Safe Order**. Further, nothing in this **Stay Home Stay Safe Order** shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible. This order does not apply to the Federal or State Government.
- G. Essential Businesses.** For purposes of this **Stay Home Stay Safe Order**, "**Essential Businesses**" means:
1. Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
 2. Grocery stores, 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). 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;
3. Food cultivation, production; to include, but not limited to: farming, livestock, fishery, nurseries, and garden centers; or any operation that participates in agricultural activities.
 4. Residential, transportation and commercial/industrial construction;
 5. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 6. Newspapers, television, radio, and other media services;
 7. Gas stations and fuel suppliers;
 8. Auto-supply, auto-repair, auto parts, auto-maintenance, vehicle manufacturing, vehicle sales and related facilities;
 9. Banks and related financial institutions;
 10. Hardware stores;
 11. Trash and recycling collection, processing and disposal;
 12. Cleaning, maintenance and security for facilities;
 13. Warehouse distribution and fulfillment, or a business that supports essential businesses or critical infrastructure;
 14. Storage for Essential Businesses;
 15. Funeral homes, crematoriums, cemeteries, burial, and related services, provided that Social Distancing Requirements are maintained to the greatest extent possible;
 16. 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, in addition to emergency repairs for facilities of non-essential businesses;
 17. Certain real estate functions limited to real estate property management, including scheduling necessary repairs that effect the safety and well-being of residents, executing and managing leases (commercial and residential), renewal and adjustments of leases (commercial and residential); real estate recordings and transfers, including the execution and documentation of real estate transfers; and real property related services such as permitting, inspections, construction, procurement, representation and title searches;
 18. Businesses and providers providing mailing and shipping services, including post office boxes;
 19. Educational institutions-including public and private pre-K establishments, K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 20. Laundromats, drycleaners, and laundry service providers;
 21. Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru or carry-out. Schools and other entities that typically

provide free food services to students or members of the public may continue to do so under this **Stay Home Stay Safe Order** on the condition that the food is provided to students or members of the public on a pick-up or carry-out basis only;

22. Businesses that supply products needed for people to work from home or office;
23. Businesses that provide Information Technology (IT) services that are 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;
24. Businesses that provide residential and/or commercial moving services and necessary moving supplies;
25. Businesses that ship or deliver groceries, food, goods or services directly to Residences;
26. Any business or manufacturer who restructures so that a substantial part of their business is for the purpose of manufacturing, producing or distributing products, intended to be directly utilized for the COVID-19 response;
27. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this **Stay Home Stay Safe Order**;
28. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
29. Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this **Stay Home Stay Safe Order** to work as permitted.

H. Minimum Basic Operations. For purposes of this **Stay Home Stay Safe Order**, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences.

I. Essential Travel. For purposes of this **Stay Home Stay Safe Order**, "**Essential Travel**" includes travel for any of the following purposes:

1. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

4. Travel to return to a place of Residence from outside the jurisdiction.
5. Travel required by law enforcement or court order.
6. 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.
7. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

J. Social Distancing Requirements. For purposes of this **Stay Home Stay Safe 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.

SECTION 5: Religious and worship services If 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.

SECTION 6: 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. A number of 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 **Stay Home Stay Safe 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 in Guadalupe County for the next 60 days.

SECTION 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. The Department of Health & Human Services, Centers for Medicare & Medicaid Services (CMS) is responsible for ensuring the health and safety of nursing home residents by enforcing the standards required to help each resident attain or maintain their highest level of well-being. Facilities should restrict visitation of all visitors and adhere to the CMS, Ref: QSO-20-14-NH, Center for Clinical Standards and Quality/Quality, Safety & Oversight Group Memorandum (most recent publication dated March 13, 2020).

SECTION 8. The intent of this **Stay Home Stay Safe Order** is 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, to reduce the risk to the health and safety of the people to the maximum extent possible. When people need to leave their places of Residence, whether to obtain or perform authorized services, or to otherwise facilitate authorized activities necessary for continuity of social and

commercial life, they should at all times comply with Social Distancing Requirements as defined in **Section 4**. All provisions of this **Stay Home Stay Safe Order** should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this **Stay Home Stay Safe Order** constitutes an imminent threat to public health.

SECTION 9. This **Stay Home Stay Safe Order** is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.

SECTION 10. This **Stay Home Stay Safe Order** also is issued based on known risks to the health and safety to the people of Guadalupe County. This **Stay Home Stay Safe Order** is necessary to protect the health and safety of the people and to limit the factors creating the risks.

SECTION 11. This **Stay Home Stay Safe Order** is issued pursuant to and in accordance with the local state of disaster issued by County Judge Kyle Kutscher for Guadalupe County, Texas on March 20, 2020, which was thereafter extended on March 31, 2020 by the Guadalupe County Commissioners Court pursuant to Section 418.108(b) of the Texas Government Code.

SECTION 12. The findings and recitations set out in the preamble to this **Stay Home Stay Safe Order** are found to be true and correct and they are hereby adopted by the Guadalupe County Judge and made a part hereof for all purposes.

SECTION 13. This **Stay Home Stay Safe Order** is issued in accordance with and incorporates by reference declarations, findings, and recitations set out in the preamble to this Order and prior Orders issued by the County Judge and/or Commissioners Court, except that where any such previous Orders or Declarations are in conflict with this order, this Order prevails.

SECTION 14. AS AUTHORIZED BY SECTION 418.173 OF THE TEXAS GOVERNMENT CODE AND AS ADOPTED IN GUADALUPE COUNTY'S EMERGENCY MANAGEMENT PLAN, A FAILURE TO COMPLY WITH THE GUADALUPE COUNTY EMERGENCY MANAGEMENT PLAN OR WITH ANY RULE, ORDER OR ORDINANCE ADOPTED UNDER SAID PLAN, INCLUDING, BUT NOT LIMITED TO THIS STAY HOME STAY SAFE ORDER, SHALL BE A CRIMINAL OFFENSE PUNISHABLE BY A FINE THAT DOES NOT EXCEED \$1,000.00 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS. THE GUADALUPE COUNTY SHERIFF'S OFFICE, GUADALUPE COUNTY CONSTABLES, GUADALUPE COUNTY FIRE MARSHAL'S OFFICE, AND OTHER LICENSED PEACE OFFICERS ARE HEREBY AUTHORIZED TO ENFORCE THIS ORDER AND ORDERS REFERENCED HEREIN.

SECTION 15. If any provision of this **Stay Home Stay Safe Order** or its application to any person or circumstance is held to be invalid, the reminder of the **Stay Home**

Stay Safe Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this **Stay Home Stay Safe Order** are severable.

SECTION 16. This **Stay Home Stay Safe Order** will be posted on Guadalupe County's website at: <https://www.co.guadalupe.tx.us/> and filed with the Guadalupe County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this **Stay Home Stay Safe Order** is strongly encouraged to post a copy of this **Stay Home Stay Safe Order** onsite and to provide a copy to any member of the public asking for a copy.

SECTION 17. This **Stay Home Stay Safe Order** shall become effective at **11:59 p.m. on April 3, 2020**, and will continue to be in effect until **11:59 p.m. on April 30, 2020**, or until it is extended, rescinded, superseded, or amended in writing or by the Guadalupe County Judge or the Commissioners Court.

ORDERED this the 3rd day of April, 2020 to be effective as of the date and time set out herein.

A handwritten signature in blue ink, appearing to read 'K. Kutscher', is written over a horizontal line.

Kyle Kutscher, Guadalupe County Judge