

2020-49
FILED FOR RECORD
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SHERRY DOWD, County Clerk
NAVARRO COUNTY, TEXAS
BY [Signature] DEPUTY

**ORDER OF NAVARRO COUNTY JUDGE
DECLARING A LOCAL STATE OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS- CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, on March 19, 2020, the Governor of the State of Texas issued a proclamation making certain recommendations mandatory; and

WHEREAS, THE COUNTY OF NAVARRO, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

WHEREAS, at his March 22, 2020 press conference, the Governor acknowledged that the urban centers may need to enact more stringent measures to address this public health emergency and stated that he would applaud the cities for doing so; and

WHEREAS, on March 23, 2020 Navarro County Judge, H.M. Davenport, Jr. affirmed the Governor's orders to avoid gatherings of more than 10 persons; avoid dining in at bar, restaurants, food courts; avoid visiting gyms and massage parlors; avoid visiting retirement and long-term care facilities and temporarily close school through May 4, 2020; and

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 Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the State of Texas and throughout the Central 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 health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County; and

WHEREAS, local health officials, the local hospitals, are all calling for this action to flatten the curve of the virus transmission, and have warned that not taking action could result in the medical resources being overcome; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation; and

WHEREAS, I, H. M. Davenport, Jr., have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID- 19; and,

WHEREAS, On March 31 Governor Greg Abbott issued Executive Order GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster;

NOW THEREFORE, AS THE NAVARRO COUNTY JUDGE, I DO HEREBY PROCLAIM: UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 AND HEALTH AND SAFETY CODE SECTION 122.006:

SECTION 1. That a local state of disaster for public health emergency is hereby declared and continued for the COUNTY OF NAVARRO, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue until terminated by law or by action of the NAVARRO COUNTY JUDGE OR THE NAVARRO COUNTY COMMISSIONERS COURT.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the NAVARRO COUNTY CLERK.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the COUNTY OF NAVARRO, Texas, Emergency Management Plan, and authorizes the furnishing of aid and assistance under the declaration.

SECTION 5. That this declaration authorizes the COUNTY to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the COUNTY's rules, pursuant to Section 122.006 of the Health and Safety Code.

SECTION 6. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 7. That this declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 8. That this declaration shall take effect midnight (11:59 pm) April 8, 2020 and shall continue until midnight (11:59 pm) April 30, 2020 unless terminated by law or by action of the Navarro County Judge or Commissioners Court of Navarro County.

SECTION 9. The foregoing recitals are incorporated herein and made findings of fact.

That a local state of disaster and public health emergency is hereby declared for the COUNTY OF NAVARRO, Texas.

Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of **April 8, 2020**, unless approved by the NAVARRO COUNTY COMMISSIONERS COURT.

All individuals currently living within the COUNTY OF NAVARRO, 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 10. 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**).

All businesses with a facility in the County, **except** Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. 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 send non-essential staff home. To the greatest extent feasible, **Essential Businesses shall comply with Social Distancing Requirements** as defined in Section 10 below, including, but not limited to, when any customers are standing in line.

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 10. Nothing in this Order prohibits the gathering of members of a household or living unit.

All travel, except Essential Travel and Essential Activities as defined below in Section 10, 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 10 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 10. 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, hunting, fishing, golfing 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," 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), 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, 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 Functions", 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 purposes of this Order**, "Essential Businesses" means as defined in the most recent guidelines as issued by Cybersecurity and Infrastructure Security Agency (CISA) and herein:
 - i. Healthcare Operations and Essential Infrastructure;
 - j. Grocery stores, certified farmer's 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. Of the above-mentioned essential businesses that are allowed to continue to operate the following regulations shall apply:
 - 1. **Businesses should establish a daily plan for shopping by customers age 65 and over.**
 - 2. **Establish controls** to require a minimum distance of **six feet** or more between patrons in lines waiting in front of and inside the establishment and shall implement a system of service (such as a color coded or numerical) that discourages queuing in a long line in the parking lot.
 - 3. **Maximum occupancy** shall be **20 percent of the allowable under current codes**, excluding employees.
 - 4. **Limit** family members entering occupancy to **2 per family**. Store manager may maintain discretion in this matter.
 - 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; Automatic and Manual Carwashes can remain open with the following caveats:

1. Signage about disinfecting or cleaning of wands and kiosks such as "To ensure your safety clean before use"
2. Promote and Enforce Social Distancing mandate
3. Attendants should limit interactions with public (cleaning of equipment is acceptable)
4. Have a method to sanitize or clean surfaces regularly touched by public
5. No manual vacuum shall be used – hoses should be disconnected

vii. Banks and related financial institutions;

viii. Hardware and construction supply stores;

vix. 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.

Note: Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, this places everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready --with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order and Declaration are served is necessary. Stressing the need for call ahead or internet ordering will also cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided, it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This also applies to food trucks;

- 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. Airlines, 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 including closings– Showings and open houses are prohibited however, virtual showings utilizing internet and multimedia are permissible;
 - xx. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - a. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day);
 - b. Children shall not change from one group to another;
 - c. If more than one group of children is cared for at one facility, each group shall be in a separate area and shall not mix with each other; and
 - d. Childcare providers shall remain solely with one group of children;
- xxi. Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, 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 (funerals services shall be graveside only with groups of less than 10 and with social distancing requirements in effect), 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. Houses of worship should, whenever possible, conduct their activities from home or through remote audio or video services. Houses of worship should limit staff to **ten or less** to conduct remote services. All providers of essential services, including houses of worship **MUST** follow certain mitigation strategies to slow the spread of the virus. If a house of worship cannot conduct its activities remotely, then the White House and CDC guidelines, relating to social distancing, maintaining good hygiene by washing your hands and cleaning and disinfecting work areas frequently shall be

implemented. Houses of worship should limit congregation to ten people or less with social distancing mandates enforced when services cannot be conducted remotely. Per Attorney General Guidance for Houses of Worship during the COVID-19 Crisis, these restrictions do not violate the religious liberty of houses of worship.

g. For the purposes of this 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:

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 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.

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, not shaking hands, and wearing personal protection to include masks.

SECTION 11. 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

SECTION 12. 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 reasonably possible comply with Social Distancing Requirements as defined in Section 10 above.


SECTION 13. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, medical PPE and hand sanitizer may apply for an “essential business” exemption under this Order.

SECTION 14. 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 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 County of Navarro, Texas, for the next 60 days.

SECTION 15. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.

SECTION 16. 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.

DECLARED and ORDERED this 8th day of April, 2020.

A handwritten signature in black ink, appearing to read 'H. M. Davenport, Jr.', written in a cursive style.

H. M. DAVENPORT, JR.
NAVARRO COUNTY JUDGE