

## NOTICE OF MEETING OF THE MCLENNAN COUNTY COMMISSIONERS COURT

NOTICE IS HEREBY GIVEN that the McLennan County Commissioners Court will conduct a special meeting on **Tuesday, April 28, 2020 at 9:00 o'clock a.m.** and act on the items on the following agenda

**No physical meeting open to the public will be held.** A temporary suspension of portions of the open meetings act to allow telephone or video conference public meetings has been granted by Governor Greg Abbott pursuant to Executive Order No. GA-08. These actions are being taken to mitigate the spread of Covid-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

The opportunity to view and hear the meeting as well as the process if one wishes to address the Commissioners Court is available at: <https://tx-mclennancounty.civicplus.com/1121/Commissioners-Court-Online-Meeting-Infor>

### AGENDA

#### A. Proof of Posting of Notice

#### B. Moment of Silence / Invocation and Pledge

#### C. Public Comments

#### D. Consideration of and/or Action on the Following Items:

1. Discussion and/or Action on Addendum to the Order Declaring a Local State of Disaster and Public Health Emergency regarding Covid-19 and Shelter in Place Order to Reflect Changes Enacted by the Governor's Executive Orders
2. Consideration and Action on Economic Development Program under Section 381.004 of the Texas Local Government Code being more Specifically the Small Business Emergency Recovery Fund Program, including Approving the Use of \$207,500 of Waco McLennan County Economic Development Corporation Funds for the Program Representing the County's Share; said Program to Provide for Grants not Exceeding \$5,000 to Small Businesses Adversely Affected by the COVID-19 Pandemic which also meet other Eligibility Requirements
3. Consideration and Action on Interlocal Cooperation Agreement between the County and the City of Waco to Create the Small Business Emergency Recovery Fund, and Providing for the Administration of the County's Small Business Emergency Recovery Fund Program by the City of Waco
4. Discussion and/or Action on Matters Regarding Covid-19 including but not limited to Staffing, Emergency Appropriations, Precautions and Plans, Restrictions to Prevent the Spread of COVID-19, Personnel Compensation and Benefit Matters, Health and Safety Procurements, Technology Procurements for Criminal Justice System to Allow for Operations to Continue Safely, Technology Procurements to Allow for Remote Meeting Participation, Reports on Progression of COVID-19, and related matters

#### E. Executive/Closed Session

1. **Section 551.071 of the Government Code (V.C.T.A.):** An executive/closed session will be held so that the Commissioners Court can seek and receive legal advice from its attorneys regarding pending or threatened litigation, settlement offers, claims, or other matters for which the attorneys' duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct Conflicts with the Open Meetings Act (Ch.551, Gov. Code) if necessary for a subject contained on this agenda, and advice dealing with pending litigation, administrative claims or notices, and legal effects, liabilities, and legal options including but not limited to claims arising from Opioid Litigation, Civil Rights Cases, Tort Claims, or Other Pending or Threatening Litigation
2. **Section 551.072 of the Government Code (V.C.T.A.):** Regarding Real Property, including, but not limited to: (1) Right-Of-Way Acquisitions re: Expansion / Repair Project/s; and/or (2) Real Estate Purchase / Sale / Transfer / Trade / Offers to Purchase, Acquisition / Value / Donations of Real Property / Leases relative to Real Property, including, but not limited to, Potential Properties for Use by County / Public Facilities & Valuation of Current Property for Trade or Sale
3. **Section 551.074 of the Government Code (V.C.T.A.):** Regarding Personnel Matters including but not limited to: Personnel Review / Evaluation of Commissioners Court Appointed Department Heads; Employment, Appointment, Termination, Hearing Grievances Against Employees or Public Officials; Incentive Pay; Deliberations regarding Assigning Interim Director for Health Services Department; Personnel Matters Identified in any Open Session Item if Necessary, and related matters
4. **Section 551.076 of the Government Code (V.C.T.A.):** Deliberations regarding Security Devices or Security Audits
5. **Section 551.087 of the Government Code (V.C.T.A.):** Regarding Economic Development Negotiations including, but not limited to (1) Discussion of Commercial / Financial Information Received from a Business Prospect/s; (2) Pending Negotiations / Potential Prospects and Projects; and/or (3) Discussion re: Offers of Financial or Other Incentives to Business Prospect/s

#### F. Adjourn

Signed this 24th day of April, 2020



SCOTT M. FELTON, County Judge

STATE OF TEXAS \*  
COUNTY OF McLENNAN \*

I, J.A. "ANDY" HARWELL, County Clerk, and the Ex-Officio Clerk to the Commissioners Court, hereby certify that the above and foregoing is a true and correct copy of a NOTICE OF MEETING posted by me at the Courthouse door in Waco, McLennan County, Texas, where notices are customarily posted this 24th day of April, 2020.

Witness my hand and seal of office at Waco, McLennan County, Texas the 24th day of April, 2020 at 3:00 p.m.

(SEAL) J. A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

BY: Myrcetez Gowan-Perkins (Deputy)

Notice: Persons with disabilities in need of auxiliary aide or services may contact the County Judge's Office, (254) 757-5049, prior to the meeting date

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **APR 28 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**AGENDA: APRIL 28, 2020**

**B. Moment of Silence / Invocation and Pledge**

**CD-560, 9:00**

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**County Judge Felton stated that at this time we will have a moment of silence. County Judge Felton then stated that we will now have the Pledge of Allegiance.**

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**AGENDA: APRIL 28, 2020**

**C. Public Comments**

**CD-560, 9:01**

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**County Judge Felton opened the floor to anyone present who wished to address the Court on County business matters. Ms. Teresa Porter submitted a comment regarding the McLennan County Tax Office to the Commissioner's Court. Judge Felton read said comment into the minutes for recording purposes. Not hearing anyone else speak, County Judge Felton closed the hearing.**

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**AGENDA: APRIL 28, 2020**

**D. CONSIDERATION OF, AND / OR ACTION ON, THE FOLLOWING:**

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|---|--|
| 1. Discussion and/or Action on Addendum to the Order Declaring a Local State of Disaster and Public Health Emergency regarding Covid-19 and Shelter in Place Order to Reflect Changes Enacted by the Governor's Executive Orders  | <b>Approved</b><br><i>(See end of Meeting)</i> |
| 2. Consideration and Action on Economic Development Program under Section 381.004 of the Texas Local Government Code being more Specifically the Small Business Emergency Recovery Fund Program, including Approving the Use of \$207,500 of Waco McLennan County Economic Development Corporation Funds for the Program Representing the County's Share; said Program to Provide for Grants not Exceeding \$5,000 to Small Businesses Adversely Affected by the COVID-19 Pandemic which also meet other Eligibility Requirements | <b>Approved</b><br><i>(See after Item C.)</i>  |
| 3. Consideration and Action on Interlocal Cooperation Agreement between the County and the City of Waco to Create the Small Business Emergency Recovery Fund, and Providing for the Administration of the County's Small Business Emergency Recovery Fund Program by the City of Waco   | <b>Approved</b>                                |
| 4. Discussion and/or Action on Matters Regarding Covid-19 including but not limited to Staffing, Emergency Appropriations, Precautions and Plans, Restrictions to Prevent the Spread of COVID-19, Personnel Compensation and Benefit Matters, Health and Safety Procurements, Technology Procurements for Criminal Justice System to Allow for Operations to Continue Safely, Technology Procurements to Allow for Remote Meeting Participation, Reports on Progression of COVID-19, and related matters                          | <b>None</b>                                    |

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The Court discussed Item D. 1. Discussion and/or Action on Addendum to the Order Declaring a Local State of Disaster and Public Health Emergency regarding Covid-19 and Shelter in Place Order to Reflect Changes Enacted by the Governor's Executive Orders.

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The Court went to Item D. 2. Consideration and Action on Economic Development Program under Section 381.004 of the Texas Local Government Code being more Specifically the Small Business Emergency Recovery Fund Program, including Approving the Use of \$207,500 of Waco McLennan County Economic Development Corporation Funds for the Program Representing the County's Share; said Program to Provide for Grants not Exceeding \$5,000 to Small Businesses Adversely Affected by the COVID-19 Pandemic which also meet other Eligibility Requirements.

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**ORDER APPROVING:**

**ACTION ON ECONOMIC DEVELOPMENT PROGRAM UNDER SECTION 381.004  
OF THE TEXAS LOCAL GOVERNMENT CODE BEING MORE SPECIFICALLY  
THE SMALL BUSINESS EMERGENCY RECOVERY FUND PROGRAM,  
INCLUDING APPROVING THE USE OF \$207,500 OF WACO MCLENNAN  
COUNTY ECONOMIC DEVELOPMENT CORPORATION FUNDS FOR  
THE PROGRAM REPRESENTING THE COUNTY'S SHARE; SAID  
PROGRAM TO PROVIDE FOR GRANTS NOT EXCEEDING \$5,000  
TO SMALL BUSINESSES ADVERSELY AFFECTED BY THE  
COVID-19 PANDEMIC WHICH ALSO MEET OTHER  
ELIGIBILITY REQUIREMENTS**

On this the 28 day of April, 2020, came on for consideration the matter of Consideration and Action on Economic Development Program under Section 381.004 of the Texas Local Government Code being more Specifically the Small Business Emergency Recovery Fund Program, including Approving the Use of \$207,500 of Waco McLennan County Economic Development Corporation Funds for the Program Representing the County's Share; said Program to Provide for Grants not Exceeding \$5,000 to Small Businesses Adversely Affected by the COVID-19 Pandemic which also meet other Eligibility Requirements. After discussion, Commissioner Perry made a motion to approve (to coordinate with the City of Waco with regards to the Small Business Emergency Recovery Fund Program to exclude the requirement of liability insurance) and it was seconded by Commissioner Miller. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorization be, and the same is hereby, approved by unanimous vote.

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ORDER ADOPTING ECONOMIC DEVELOPMENT PROGRAM

WHEREAS, the improvement and diversification of the economy in McLennan County is a goal that should be pursued for both the current and future welfare of the citizens of McLennan County; and

WHEREAS, changes in the statutory laws applying to County economic development powers, and past experience in economic development projects make it advisable and necessary to update and expand the County's economic development tools; and

WHEREAS, economic development and diversification, the elimination of unemployment or underemployment, and the development of transportation and commerce in the State of Texas are public purposes pursuant to Article III, §52-a of the Texas Constitution; and

WHEREAS, the Commissioners Court has express and implied authority to establish a program to stimulate business and commercial activity in the County, and to create and retain jobs in the County; and

WHEREAS, Article III, §52-a of the Texas Constitution and §381.004 of the Texas Local Government Code authorizes the Commissioners Court to establish a program for economic development, and to stimulate, encourage and develop business location and commercial activity in the County; and

WHEREAS, the Commissioners Court finds it advisable and in the best interest of the citizens of the County to adopt a program to incorporate the full extent of the economic development powers of the County; and

WHEREAS, the COVID-19 pandemic and the resulting Shelter in Place Orders have been devastating to many small businesses and their employees; and

WHEREAS, without assistance many small businesses will be forced to close or will be unable to put employees back to work once restrictions on their particular business-type are lifted; and

WHEREAS, a Small Business Emergency Recovery Fund Program is proposed that will allow the County to participate with the City of Waco in authorizing the funding of grants through the Waco-McLennan County Economic Development Corporation ("WMCEDC") to assist small businesses in remaining in operation and retaining jobs.

NOW, THEREFORE, IT IS ORDERED BY THE MCLENNAN COUNTY COMMISSIONERS COURT THAT THE FOLLOWING PROGRAM IS HEREBY ADOPTED AND APPROVED:

MCLENNAN COUNTY ECONOMIC DEVELOPMENT PROGRAM---SMALL BUSINESS EMERGENCY RECOVERY FUND PROGRAM

1. GENERAL PROGRAM STATEMENT

1.1 The following economic development Program is for the general purpose of developing and diversifying the economy and developing transportation and commerce in the state of Texas, and, more specifically, McLennan County, Texas, and for the purpose of eliminating unemployment and underemployment. The specific purpose of the Small Business Emergency Recovery Fund Program (hereinafter "Program") is to help small businesses stay in business for purposes of the local economy that would otherwise potentially close without assistance from this Program, and in circumstances where jobs would otherwise be lost without assistance from the Program.

1.2 This is a Program is imperative to the health of the local economy. The Program will be administered by the City of Waco pursuant to an Interlocal Agreement between the City of Waco and the County.

1.3 Under no circumstance shall any incentive or benefit be provided under this Program without specific contractual protections and guarantees, and the continuing supervision of the Commissioners Court or its designee to assure: (a) the public purpose of economic development, development of transportation and/or commerce, economic diversification and the elimination of unemployment and underemployment is to be served; (b) that the public purpose is accomplished; (c) that there is sufficient protection and verifiable accountability of the handling of public money; and (d) that the WMCEDC receives adequate consideration in the form of benefits to the WMCEDC and the County's citizens.

2. ECONOMIC DEVELOPMENT POWERS

2.1 Section 381.004 of the *Texas Local Government Code* authorizes the County to:

- a) use County employees or funds,
- b) make loans or grants of public money, and
- c) provide personnel and services of the County

to support the Program and carry out its purposes. See §381.004(c) (3) & (h), *Texas Local Government Code*. The County may also accept contributions, gifts, or other resources to develop and administer the Program. *Id.* at (c) (4).

2.2 The Small Business Emergency Recovery Fund Program fits within the authority of the County under §381.004 of the *Texas Local Government Code*.

3. PROGRAM DESCRIPTION

3.1 **Funding.** Funding for this Program consists of:

- 1) \$415,000.00 from the Waco McLennan County Economic Development Corporation

(funded ½ by McLennan County and ½ by the City of Waco); and

- 2) \$415,415.00 from Community Development Block Grants (“CDBG”), received by the City of Waco.

In the future, it is possible that additional funds may be provided to support the Program. Nothing herein shall imply that the City is under any obligation to provide any economic development. The Program has been developed and designed to comply with Chapter 380 of the Texas Local Government Code and with federal law. This is a temporary Program that unless extended by the City Council, shall expire on August 1, 2020.

### 3.2 Definitions

“Agreement” means the contractual agreement between City and the grantee(s) for the purpose of a grant(s).

“Eligible Industry” means a retail establishment, restaurant, coffee shop, art gallery, automobile maintenance or detailing business, car wash, personal care businesses such as a barber shop, nail salon, spa, hair salon, health/wellness business, or any business defined as an “Essential Business” pursuant to City of Waco Resolution No. 2020-247.

“Funding Advisory Committee” is the committee that will make recommendations on the grant of the Program funds and shall be comprised of the following:

1. John Bible, Centex African American Chamber of Commerce, Inc. – McLennan County;
2. Dustin Chapman, McLennan County;
3. Kris Collins, Greater Waco Chamber of Commerce;
4. Deidra Emerson, City of Waco;
5. Jon Passavant, Waco Entrepreneurial Ecosystem Collaborative, Inc. d/b/a Start Up Waco;
6. Alfred Solano, Centex Hispanic Chamber of Commerce; and
7. Galen Price, City of Waco (non-voting, staff liaison).

The Committee’s recommendation is to the City Manager, who shall have the authority to make all decisions on grants under this Program. The Committee’s recommendations are advisory and do not bind the City Manager.

“Funding Priority” means length of time in operation in McLennan County prior to February 15, 2020; lack of receipt of emergency funding from the Small Business Administration or through the Economic Injury Disaster Loan Emergency Advance Act; Small Business is a Historically Underutilized Business; location in a CDBG area; or operation out of a store front that is located in McLennan County.

“Full-time” means a job that requires a minimum of forty (40) hours of work per week; or eighty (80) hours of work per two weeks, and is hired to work full-time year-round (2080 hours per year).

“Historically Underutilized Business” is a business in which at least 51% of the business is

owned by Asian Pacific American, Black American, Hispanic American, Native American, American woman and /or a Service Disabled Veteran with a Service related disability of 20% or greater, who resides in Texas and actively participates in the control, operations and management of the entity's affairs.

“HUD” means the U.S. Department of Housing and Urban Development.

“Low- to moderate-income” means the income requirements established by HUD for CDBG funding.

“Qualifying Expenses” means expenses for the business operations in McLennan County which are limited to the following;

1. Rent, triple net lease payments, mortgage interest payments, all made for properties in which the Small Business is located;
2. Payroll expenses, including salary, commission, wage, cash tip or equivalent, insurance and benefits, or paid leave for employees;
3. Payment of state or local tax assessed on employee compensation;
4. Utilities such as phone, internet, water, solid waste disposal;
5. Purchase of supplies to enable remote working or capacity to serve customers in new ways (curbside pickup, delivery, shipping, technology for remote access, etc.); or
6. Purchase of supplies, services, or training related to COVID-19 for employee or customer protection.

A qualifying expense must be documented. For those receiving CDBG funding, such funding may only be used for business operations in Waco, Texas. However, this is a Countywide Program and businesses from outside the City of Waco shall be given fair consideration for grants from the WMCEDC portion of the funding of the Program.

“Small Business” means a business with ten or less Full-Time employees or Full Time Equivalents (“FTEs”), including the owner of the business, as of February 15, 2020.

### **3.3. Eligibility Criteria**

A Small Business is eligible for the Program if:

1. The Small Business is:
  - a. Located in McLennan County;
  - b. Operational in McLennan County on or before February 15, 2020;
  - c. Current on local, state, and federal taxes;
  - d. Committed to remain open and operational through July 17, 2020;
  - e. Committed to maintaining the workforce that the Small Business had as of the date of application through July 17, 2020;
  - f. In an Eligible Industry; and
2. The Small Business can demonstrate that it has suffered a loss in revenues due to

COVID-19 that has jeopardized its ability to continue to operate or ability to make payroll; and

To receive CDBG funding, the Small Business must also:

1. Be located in Waco, Texas; and
2. Be owned by a person of low- to moderate-income or maintain 51% of its employees as low- to moderate-income or any other HUD criteria.

A Small Business is not eligible for the Program if:

1. It is a:
  - a. Franchisee of a national franchise;
  - b. Part of a national chain;
  - c. A real estate holding company;
  - d. Business that is located in a residential home;
  - e. Non-profit entity;
  - f. Governmental entity;
  - g. "Side Gig" Business, like a transportation service;
  - h. Sexually oriented business as defined in Chapter 20 of the Code of Ordinances, City of Waco, Texas;
  - i. Credit Access Business, Indoor Amusement Facility, Pawnbroker, Secondhand Goods Dealer, or Nightclub as defined in Chapter 13 of Code of Ordinances, City of Waco, Texas;
  - j. Bail Bond business;
  - k. A business whose primary retail sales are of cannabis or cigarettes, cigars, or other smoking-related items;
2. It had questionable consumer practices during the COVID-19 pandemic, such as price gouging;
3. It, its owners, or partners currently are undergoing bankruptcy proceedings; or
4. It or one of its employees has received a citation or is a defendant in a civil lawsuit with the City for operating the Small Business in violation of the emergency declarations of the Governor, McLennan County, or the City of Waco during the COVID-19 pandemic.

#### **3.4. Possible Grant**

A Small Business that is eligible for the Program may receive a grant amount not to exceed \$5,000.00 to pay for Qualifying Expenses that the Small Business incurred between March 17, 2020 and April 30, 2020.

Upon approval of the grant by the Funding Committee, the Small Business will receive the grant within 10 business days.

### **3.5. Procedural Process**

1. The City will work with the Greater Waco Chamber of Commerce, the Centex African American Chamber of Commerce, Centex Hispanic Chamber of Commerce, and Startup Waco to inform Small Businesses of the Program. In addition, these entities will work with Small Businesses on completing the application and may recommend a Small Business for approval.
2. Applicants for a grant must submit a completed application and Agreement to the City of Waco Housing Department. No filing fee will be required for the Program. Incomplete applications will not be considered. All documents received by the City of Waco (physically or electronically) may be subject to public disclosure under certain circumstances.
3. City of Waco staff will ensure the completeness of the application, the eligibility of the Small Business, and the compliance, when applicable, to HUD rules. Completed applications of eligible Small Businesses will be forwarded to the Funding Advisory Committee.
4. The Funding Advisory Committee will evaluate an application. The Funding Advisory Committee shall consider the Funding Priorities when making its funding recommendations to the City Manager. The City Manager is the final decision maker on whether to enter into a Program Project Agreement with the Small Business. Because of the urgent need for these grants, and to allow for prompt response to the emergency, a Program Project Agreement shall not require approval of the Commissioners Court, the City Council, or the WMCEDC Board.

### **3.6. Compliance Verification**

For the term of the Agreement, City staff will ensure compliance with the term of the Agreement, including review of quarterly reports by the Small Business. City staff also may make an inspection of the Small Business and its records. The City will hold and process any information that is received or viewed in accordance with all applicable laws and regulations.

### **3.7. Recapture**

For any violation of the Agreement, the City reserves the right to cancel and/or modify the Agreement and/or require repayment of all or some of the grant(s) received under the Agreement.

Terms of the Agreement which may result in recapture include the following:

1. Failure to utilize the grant on Qualifying Expenses;
2. Failure to remain open and operational through July 17, 2020;
3. Failure to maintain the workforce that the Small Business had as of the date of application through July 17, 2020; and
4. Failure to submit quarterly reports on a form to be provided by the City, including

an employee roster, to the City for a period of up to 9 months after the grant.

Repayment of grant funds shall be made by the Small Business within sixty (60) days of written demand by the City.

4. THIRD PARTY ADMINISTRATION

As authorized by Section 381.004 (c) of the *Texas Local Government Code*, the County is contracting with the City of Waco to administer and carry-out this Program, including the determinations on grant applications.

5. DISCLAIMER

No Small Business shall have a right or property interest in receiving a grant. This Program is temporary. The Program expires August 1, 2020. Furthermore, when the grant funding is exhausted the Program ends, even if the expiration date has not been reached.

6. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Order is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Order, and all the remainder of this Order not so declared to be invalid shall continue to be in full force and effect. The Commissioners Court of McLennan County, Texas, hereby declares that it would have entered this Order and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

PASSED AND SIGNED THIS 20<sup>th</sup> DAY OF April, 2020.

MCLENNAN COUNTY, TEXAS

By: Scott M. Felton  
Scott M. Felton, County Judge

ATTEST:

Myrcetez Gowan-Perkins  
McLennan County Clerk  
or Designated Deputy Clerk

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **APR 28 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**ORDER APPROVING:**

**ACTION ON INTERLOCAL COOPERATION AGREEMENT BETWEEN  
THE COUNTY AND THE CITY OF WACO TO CREATE THE SMALL  
BUSINESS EMERGENCY RECOVERY FUND, AND PROVIDING  
FOR THE ADMINISTRATION OF THE COUNTY'S SMALL  
BUSINESS EMERGENCY RECOVERY FUND PROGRAM  
BY THE CITY OF WACO**

On this the 28 day of April, 2020, came on for consideration the matter of Consideration and Action on Interlocal Cooperation Agreement between the County and the City of Waco to Create the Small Business Emergency Recovery Fund, and Providing for the Administration of the County's Small Business Emergency Recovery Fund Program by the City of Waco. After discussion, Commissioner Miller made a motion to approve the Interlocal Cooperation Agreement between the County and the City of Waco to create Small Business Emergency Recovery Fund and to approve the distribution by the County in the amount of \$207,500 and it was seconded by Commissioner Perry. After further discussion, a vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Jones and Commissioner Perry with Commissioner Snell abstaining. It is ordered by the Court that said Authorization be, and the same is hereby, approved by majority vote.

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The Court went back to Item D. 1. Action on Addendum to the Order Declaring a Local State of Disaster and Public Health Emergency regarding Covid-19 and Shelter in Place Order to Reflect Changes Enacted by the Governor's Executive Orders.

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**ORDER APPROVING:**

**ACTION ON ADDENDUM TO THE ORDER DECLARING A LOCAL STATE OF  
DISASTER AND PUBLIC HEALTH EMERGENCY REGARDING COVID-19 AND  
SHELTER IN PLACE ORDER TO REFLECT CHANGES ENACTED BY THE  
GOVERNOR'S EXECUTIVE ORDERS**

On this the 28 day of April, 2020, came on for consideration the matter of Discussion and/or Action on Addendum to the Order Declaring a Local State of Disaster and Public Health Emergency regarding Covid-19 and Shelter in Place Order to Reflect Changes Enacted by the Governor's Executive Orders. After discussion, Commissioner Perry made a motion to approve the Addendum to the Order and it was seconded by Commissioner Miller. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Miller, Commissioner Jones and Commissioner Perry with Commissioner Snell abstaining. It is ordered by the Court that said Authorization be, and the same is hereby, approved by majority vote.

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ORDER OF THE COUNTY JUDGE AND COMMISSIONERS COURT OF  
MCLENNAN COUNTY, TEXAS EXTENDING DECLARATION OF DISASTER  
AND PUBLIC HEALTH EMERGENCY FOR AND IN MCLENNAN COUNTY,  
TEXAS, AND SETTING FORTH REGULATIONS TO PREVENT THE SPREAD  
OF COVID-19

WHEREAS, COVID-19 remains a worldwide pandemic; and

WHEREAS, COVID-19 continues to pose a threat to the health of the citizens of McLennan County, Texas; and

WHEREAS, there continues to exist a disaster and public health emergency in McLennan County, Texas; and

WHEREAS, there continues to be a need for regulations to prevent the spread of COVID-19.

BE IT ORDERED BY THE COUNTY JUDGE AND COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS THAT:

1. The foregoing recitals are incorporated herein and made findings of fact.
2. The declaration of the state of disaster and public health emergency in and for McLennan County is extended through May 15, 2020.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk. This instrument shall also be posted on the County's webpage.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the County's emergency management plan.
5. All decisions herein are based on medical advice and direction,
6. In compliance with the Governor's Order, all individuals currently living within McLennan County (the "County") may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate or patronize Essential Businesses or Re-Opened Businesses, all as defined in Section 9. 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). 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 (other than persons in the same household) when they are outside their residence.
7. All businesses with a facility in the County, except Essential Businesses and Re-Opened

Businesses as defined below in Section 9, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 9. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent feasible, Essential Businesses and Re-Opened Businesses should comply with Social Distancing Requirements as defined in Section 9 and "Texas Helping Texans: The Governor's Report to Open Texas of April 27, 2020" and as amended by the Governor (hereafter referred to as the "Open Texas Report").

8. People riding on public transit must comply with the Minimum Standard Health Protocols for Retail Customers in the Open Texas Report and Social Distancing Requirements as defined in Section 9 below, to the greatest extent feasible.

9. 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 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 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 every business listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions.

g. For the purposes of this Order, "Re-Opened Businesses" mean:

i. Retail businesses that are not Essential Businesses may provide retail services through pick up, delivery by mail, or delivery to the customer's door step (effective back to April 24, 2020);

ii. Retail establishments that provide in-store retail services but only at 25 percent of the total listed occupancy of the business;

iii. Restaurants and other facilities that prepare and serve food for dine-in restaurant services but only at 25 percent of the total listed occupancy of the restaurant, provided that:

a. This only applies to restaurants that have less than 51 percent of their gross

- receipts from the sale of alcoholic beverages and therefore are not required by the Texas Alcoholic Beverage Commission to post the 51 percent sign;
- b. Valet services are prohibited except for those vehicles with placards/plated for disabled parking;
  - iv. Movie theaters but only at 25 percent of the total listed occupancy for any individual theater for any screening;
  - v. Shopping malls but only at 25 percent of the total listed occupancy of the shopping mall, provided, however, that within the shopping malls, the food-court dining areas, play areas, and interactive displays and settings shall remain closed;
  - vi. Museums and libraries but only at 25 percent of the total listed occupancy, provided that any interactive components or functions, such as child play areas, shall remain closed;
  - vii. Individuals working alone in an office;
  - viii. Golf course operations; and
  - ix. Such additional businesses as may be enumerated by future orders or proclamations of the Governor.

For Re-Opened Businesses, the businesses should comply with the Social Distancing Requirements of this section and the Minimum Standard Health Protocols in the Open Texas Report. **For Reopened Services having a 25% occupancy restriction, it is the business owner and/or operator's obligation and duty to assure that the occupancy restriction is not exceeded. Failure to do so is a violation of this Order.**

- h. 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.
- j. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.
- k. 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, and not shaking hands.

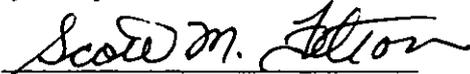
10. Businesses except for Essential Businesses and Re-Opened Businesses shall remain closed except for maintaining Minimum Basic Operations as defined herein.

11. When people need to leave their places of residence, whether to obtain or perform vital

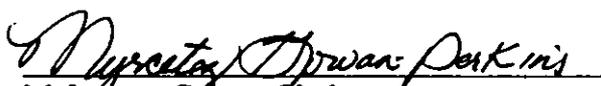
services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 9 above.

12. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
13. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this Resolution shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.
14. That any violation of this resolution can be enjoined by a suit filed in the name of the County in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order and state law.
15. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this resolution.
16. All provisions of this Order should be interpreted to effectuate this intent.
17. That the terms and provisions of this resolution shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this resolution shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this resolution and the remainder of such resolution shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.
18. That this resolution is effective at 12:01 a.m. on Friday, May 1, 2020 except as specifically noted herein as being currently effective.

ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS  
AND ITS COUNTY JUDGE on this the 28th day of April, 2020.

  
SCOTT M. FELTON, COUNTY JUDGE  
MCLENNAN COUNTY, TEXAS

ATTEST:

  
McLennan County Clerk  
or Designated Deputy Clerk

J.A. "ANDY" HARWELL, County Clerk  
McLennan County, Texas

FILED: **APR 28 2020**

By Myrcetez Gowan-Perkins,  
Deputy

**ORDER ADJOURNING SPECIAL SESSION**

On this the 28 day of April, 2020, at 9:24 o'clock a.m. Judge Felton announced that the meeting of April 28, 2020 is adjourned.

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**APPROVAL OF MINUTES**

The above and foregoing minutes having been read in open Court and found to be correct, the same are hereby, approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Kelly Snell,  
Commissioner Precinct 1**

\_\_\_\_\_  
**Patricia Chisolm-Miller,  
Commissioner Precinct 2**

\_\_\_\_\_  
**Will Jones,  
Commissioner Precinct 3**

\_\_\_\_\_  
**Ben Perry,  
Commissioner Precinct 4**

\_\_\_\_\_  
**Scott M. Felton,  
County Judge**

**ATTEST: J. A. "Andy" Harwell,  
McLennan County Clerk**

By \_\_\_\_\_ Deputy County Clerk  
**Myrce'tez Gowan-Perkins**