

AMENDED AND RESTATED ORDER OF THE COUNTY JUDGE AND COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON- ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF ALL NON-ESSENTIAL TRAVEL

**WHEREAS**, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan County, Hubei Province, China; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

**WHEREAS**, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

**WHEREAS**, on March 15, 2020, the Centers for Disease Control (“CDC”) lowered the recommended number of persons at mass gatherings to 50 persons; and

**WHEREAS**, on March 16, 2020, the CDC lowered the recommended number of persons at mass gatherings to 10 persons; and

**WHEREAS**, on March 19, 2020, Texas Governor Greg Abbott issued orders, prohibiting social gatherings in excess of 10 people; and

**WHEREAS**, on March 22, 2020, the Governor issued orders dealing with hospital care during this crisis; and

**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 and counties for doing so; 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 County 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. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. 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. 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. 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**, this Order is necessary to slow the rate of spread of COVID-19. Local health officials, the local hospitals, and the Waco-McLennan County Public Health District 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 of McLennan County being overcome.

**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**, extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19; and

**WHEREAS**, on March 18, 2020 the County Judge issued a declaration of a local disaster and mitigating orders, and thereafter, on March 19, 2020 this Commissioners Court Extended the Judge's Declaration and amended the mitigating orders on the County Judge's recommendation, and on March 23, 2020 this Commissioners Court again recognized the continuing state of disaster and issued a Shelter in Place Order brought forward by the County Judge based on recommendations that he had received from medical providers and the Health District indicating that such was necessary to avoid a substantial increase in positive COVID-19 cases; and

**WHEREAS**, this Amended and Restated Order is intended to remove an errant reference to a statute not applicable, to clarify the professional services contained on the exempt on the list of Essential Businesses, to clarify that professors and teachers are allowed to travel to provide or create long distance learning content, and to clarify the history leading to this Amended and Restated Order.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE AND COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108 THAT:**

1. The foregoing recitals are incorporated herein and made findings of fact.
2. That a local state of disaster and public health emergency is hereby continued and declared for McLennan County, Texas. Such being a continuation of the County Judge's Declaration of March 18, 2020, and the subsequent consents to continuation and a declaration by this Commissioners Court itself in agreement with the County Judge's determination.
3. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster that is being continued hereby shall continue until April 7, 2020 unless continued or renewed by this Commissioners Court. This Order, having been brought before the Court by the County Judge shall be considered an order of the County Judge in addition to an order of this Commissioners Court.
4. 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.
5. 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.
6. All individuals currently living within the McLennan County, 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.
7. 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.
8. 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.

9. 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 County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions. This does not prevent checking on relatives or other such matters.

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 walking, hiking, bike-riding. Except for individuals sheltering together in the same residence, participants in such activities 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:

- i. Healthcare Operations and Essential Infrastructure;
- ii. Grocery stores, certified 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), 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;
- 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;
- vii. Banks and related financial institutions;
- viii. Hardware and construction supply stores;
- ix. 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 are 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), engineering and architectural;
  - 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.
    - 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, defense industry, space and technology industry, technology support, and scientific research; and
  - xxiii. religious services performed at Healthcare Operations, in a residence, at a funeral, or the broadcasting religious services from a location.
- 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 or delivering/preparing 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 subsection above.

- 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, and not shaking hands.
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.
  
  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.
  
  13. Sections 6-12, as set out by this order, became effective at 11:59 pm on March 23, 2020; and remains effective.
  
  14. All provisions of this Order should be interpreted to effectuate this intent.
  
  15. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

16. The County must promptly provide copies of this Order by posting it on the County website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
17. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order 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.
18. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS AND ITS COUNTY JUDGE on this the 24th day of March, 2020.

Scott M. Felton – Original Signed  
SCOTT M. FELTON  
COUNTY JUDGE  
MCLENNAN COUNTY, TEXAS

ATTEST:

Myrece'tez Gowan-Perkins  
McLennan County Clerk  
or Designated Deputy Clerk