

EXECUTIVE ORDER

BY

THE COUNTY JUDGE OF BREWSTER COUNTY

NOW THEREFORE, I, COUNTY JUDGE OF BREWSTER COUNTY, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, AND THE DECLARATION OF A STATE OF LOCAL DISASTER ENTERED ON MARCH 25, 2020 HEREBY DETERMINE THAT FURTHER ORDERS ARE NECESSARY TO PREVENT THE IMMINENT THREAT TO HEALTH AND SAFETY FROM THE CORONAVIRUS (COVID-19) AND ORDER THE FOLLOWING:

WHEREAS, pursuant to Texas Government Code Section 418.108, Brewster County Judge Eleazar R. Cano declared a state of local disaster on March 25, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the Brewster County Commissioner Court approved the Declaration of State of Local Disaster for Brewster County and the declaration of a local disaster was continued until terminated by Brewster County Judge Eleazar R. Cano;

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and by approval of the Declaration of State of Local Disaster for Brewster County, the Brewster County Commissioners Court authorized the Brewster County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Brewster County by the issuance of executive orders as necessary (each, an "*Executive Order*");

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Brewster County Community and rates of infection are increasing at an alarming exponential rate.

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director;

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott; and

WHEREAS, by the authority vested in me as Brewster County Judge and as the Emergency Management Director for the County of Brewster to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I issue this Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BREWSTER COUNTY JUDGE ELEAZAR R. CANO HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 12:01 a.m. on Tuesday, June 30, 2020 ("*Effective Date*"), and continuing through 11:59 p.m. on Wednesday, July 15, 2020 unless extended, modified or terminated early by the Brewster County Judge or as otherwise indicated below:

I. **Public Health Emergency.** That this Executive Order shall continue the local disaster declaration and public health emergency for Brewster County until terminated by Brewster County Judge Eleazar R. Cano and shall incorporate and adopt the most recent executive order GA-28 issued by Governor Greg Abbott on June 26, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to the COVID-19 disaster.

II. **Health and Safety Policy - Commercial Entities.** From the date of this Executive Order, all commercial entities in Brewster County providing goods or services directly to the public must develop and implement a health and safety policy ("*Health and Safety Policy*"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Nothing in this executive order precludes requiring a customer to follow additional hygiene measures when obtaining services. Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed \$ 1,000 for each violation.

III. **Face Coverings - General Public.** That all people 10 years or older shall wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may

include homemade masks, scarfs, bandanas, or a handkerchief. Brewster County residents should continue to maintain social distancing of at least six feet while outside their home. Brewster County employees are also required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.

Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers of the same house hold as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-28 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

IV. Outdoor Gatherings Prohibited. Outdoor gatherings estimated to be in excess of 100 people are prohibited. Exceptions for this prohibition include: 1) Any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce; 2) Religious services; 3) Local government operations; 4) Child-care services; 5) Youth camps; 6) Recreational sports programs for youths and adults; 7) Professional, collegiate, or similar sporting events; 8) Swimming pools; 9) Water parks; 10) Museums and libraries; 11) Zoos, aquariums, natural caverns, and similar facilities; 12) Rodeo s and equestrian events; and 13) Amusement parks and carnivals, as described in executive order GA-28.

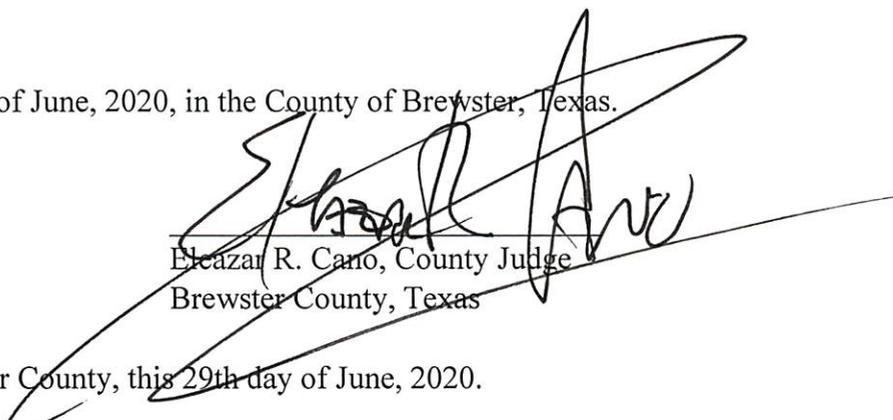
V. **Brewster County Essential Business.** That residents of Brewster County conduct essential Brewster County business online or via regular mail to avoid visiting any Brewster County facilities unless absolutely necessary.

VI. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.

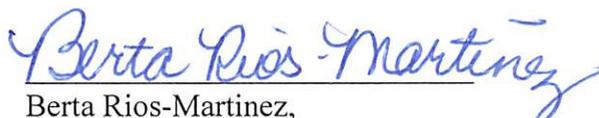
VII. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

VIII. **Enforcement.** Accepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

ORDERED this the 29 day of June, 2020, in the County of Brewster, Texas.


Eleazar R. Cano, County Judge
Brewster County, Texas

Filed with the Clerk of Brewster County, this 29th day of June, 2020.


Berta Rios-Martinez,
Brewster County Clerk