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DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

**SECOND AMENDMENT TO COUNTY JUDGE ORDER NO. 9
WORK HOME, STAY SAFE
BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS**

ISSUED JUNE 29, 2020

WHEREAS, on June 12, 2020, El Paso County Judge Ricardo A. Samaniego issued County Judge Order No. 9 (“Order”) pursuant to Texas Government Code Chapter 418.1015(a); and

WHEREAS, on June 17, 2020 Governor Abbott clarified that his plan to reopen the Texas economy includes maintaining the authority of local government to require businesses to adopt and enforce health policies that include face covering requirements; and

WHEREAS, on June 18, 2020, County Judge Samaniego issued the 1st Amendment to County Judge Order No. 9 to align the Order with Governor Abbott’s guidance relating to a localities ability to enforce face covering requirements; and

WHEREAS, on June 23, 2020, Governor Abbott issued a proclamation amending Executive Order No. 26 (“GA-26”) expanding local authority to regulate outdoor gatherings; and

WHEREAS, on June 24, 2020, the positivity rate, which is the percentage of coronavirus tests administered that yield a positive result, indicated a seven-day average positivity rate of 11.76% compared to the previously quelled high of 13.86% in mid-April; and

WHEREAS, Governor Abbott noted that if positivity rates again exceeded 10%, he would consider that a “red flag” requiring further preventative action; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order No. 28 (“GA-28”) which supersedes GA-26; and

WHEREAS, GA-28 imposes targeted measures to limit certain businesses and services as part of the State’s efforts to contain the spike in COVID-19 positive cases; and

WHEREAS, this Second Amendment to the County Judge Order No. 9 seeks to provide additional health and safety measures for El Paso County as authorized by Governor Abbott’s GA-28:

NOW THEREFORE, I, COUNTY JUDGE FOR EL PASO COUNTY, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

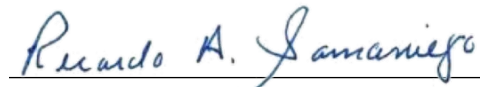
1. That Section 2 (Restricted Activities), paragraphs (a) and (d) be amended to read as follows:
 - a. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the

movement of staff between facilities whenever possible. See www.dshs.texas.gov/coronavirus, Recommendations for Nursing Facilities.

- d. **Parades.** Organizations planning on having parades must limit the number of participants to 100 individuals or less and shall be required to follow the Local Public Health Authority Order regarding parades which is found at <http://epstrong.org/health-orders.php>.
2. That Section 3 (Re-Opening of Business), paragraphs 5, 6, 7 be amended to read as follows:
 5. **Any outdoor gathering in excess of 100 people is prohibited** unless prior approval from the County Judge is obtained. This prohibition shall not apply to the activities or gatherings set forth in paragraphs 1, 2, or 4 of the Order. Outdoor Markets, Parades, and Outdoor Mass Gatherings, comprised of less than 100 participants shall follow the respective Local Health Authority Order. **See Public Health Authority Orders as found at <http://epstrong.org/health-orders.php>.** Additionally, all public outdoor gatherings in the unincorporated areas in El Paso County are prohibited for the duration of and in accordance with County Judge Order No. 10 (Fourth of July Public Outdoor Gathering Restrictions).
 6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall remain at 75 percent until 12:01 a.m. on June 29, 2020, at which time such restaurants may only operate at up to 50 percent of the total listed occupancy of the restaurant.
 7. People shall not visit bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC) and are not restaurants as defined above in paragraph number 6; provided, however, that the use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks is allowed to the extent authorized by TABC;
3. Except as amended herein, the June 12, 2020, County Judge Order No. 9 shall otherwise remain in full force and effect unless superseded by a conflicting provision herein or by state or federal law or order.
4. This Second Amendment shall take effect immediately.

ORDERED this the 29th day of June, 2020.

COUNTY OF EL PASO, TEXAS



Ricardo A. Samaniego
El Paso County Judge