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**FIRST AMENDMENT TO ORDER NO. 11
WORK HOME, STAY SAFE
BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS**

DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

DATE ORDER ISSUED: October 13, 2020

WHEREAS, in December 2019, a novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 was identified; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency and the El Paso County Judge issued a Declaration of Local Disaster for Public Health Emergency pursuant to Texas Government Code Section 418.108; and

WHEREAS, the County and City of El Paso Department of Public Health Authority has issued various COVID-19 Prevention Orders in an effort to mitigate and slow down the spread of disease in El Paso County; and

WHEREAS, on March 16, 2020, President Donald Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people, and;

WHEREAS, on March 19, 2020, the El Paso County Commissioners Court issued an Emergency Order extending the County's state of disaster and instituting emergency measures due to a public health emergency until terminated by order of the El Paso County Commissioners Court; and

WHEREAS, the County's Emergency Order authorizes the Emergency Management Director or designee to update, restrict, and promulgate regulations necessary to comply with Federal, State and Local authorities' guidance in relation to COVID-19; and

WHEREAS, pursuant to Texas Government Code §418.1015(a), the County Judge serves as the office of emergency management director for the County of El Paso (the "County"); and

WHEREAS, Texas Government Code, Chapter 418 authorizes the emergency management director to issue Orders, which are necessary for the protection of life and property in the County; and

WHEREAS, in response to the COVID-19 public health emergency and in an effort to preserve El Pasoan's health and safety during the ongoing pandemic, I issued 11 Local Emergency Orders, and corresponding amendments, since March 13, 2020 and

WHEREAS, both the State of Texas and County of El Paso remain under a state of disaster; and

WHEREAS, Section 418.1015(b) of the Texas Government Code authorizes the emergency management director to serve as the Governor's designated agent in the administration and supervision of duties under Chapter 418 of the Texas Government Code and exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

WHEREAS, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

WHEREAS, El Paso County is uniquely situated on the border of Chihuahua, Mexico and the State of New Mexico which are continuing to experience an increase in their number of positive cases and COVID-19 related deaths; and

WHEREAS, while the pandemic persists without a known cure or vaccine, El Pasoans' adherence to federal, state and local health protocols has contributed to a State and local decrease in new COVID-19 cases and hospitalizations; and

WHEREAS, on October 7, 2020, Governor Abbott further reopened more Texas businesses to 75% capacity and granted the County Judge authority to open bars and similar

establishments to 50% occupancy when the Trauma Service Area's COVID-19 hospitalizations are less than 15%; and

WHEREAS, COVID-19 patients currently comprise [14%] of El Paso's total hospitalizations; and

WHEREAS, in order to align with and incorporate Governor Abbott's Executive Order No. 32 (GA-32) into the County's existing COVID-19 measures, I now issue this First Amendment to Order No. 11 ("First Amendment").

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 3 (Re-Opening of Businesses), be amended to read as follows:

Every business establishment in Texas shall operate at no more than 75 percent of the total listed occupancy of the establishment; *provided, however, that:*

1. There is no occupancy limit for the following:
 - a. 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, Version 4.0. or any subsequent version;
 - b. Religious services, including those conducted in churches, congregations, and houses of worship;
 - c. Local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - d. Child-care services;
 - e. Youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths;
 - f. Recreational sports programs for youths and adults;
 - g. Any public or private schools, and any public or private institutions of higher education, not already covered above; and
 - h. Drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their

vehicles, and that minimize in-person contact between people who are not in the same household or vehicle; and

- i. the following establishments that operate with at least six feet of social distancing between work stations: cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
2. In areas with high hospitalizations as defined below, any business establishment that otherwise would have a 75 percent occupancy or operating limit may operate at up to only 50 percent.

“Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID- 19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID- 19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less. A current list of areas with high hospitalizations will be maintained at <http://www.dshs.texas.gov/ga3031>.

3. Except as provided below by paragraph number 5 in this section, there is no occupancy limit for outdoor areas, events, or establishments, with the exception of the following outdoor areas, events, or establishments that may operate at no more than 75 or 50 percent, dependent on whether El Paso is defined as an area with high hospitalizations, as defined in paragraph 2 above, of the normal operating limits as determined by the owner:
 - a. Amusement parks;
 - b. Water parks;
 - c. Swimming pools;
 - d. Museums and libraries; and
 - e. Zoos, and similar facilities.
4. All indoor and outdoor professional, collegiate, and similar sporting events, including rodeos and equestrian events, shall remain limited to 50 percent of the normal operating limits as determined by the owner.

5. Any outdoor gathering in excess of 10 people is prohibited unless prior approval from the County Judge or Mayor, as applicable, is obtained. This prohibition shall not apply to the activities or gatherings set forth in paragraphs 1, 3 or 4 of Order No. 11, as amended.
6. Restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.
7. 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, may offer on-premises services only as described by this paragraph. A bar or similar establishment may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment *if*:
 - a. El Paso is not an area with high hospitalizations as defined above, and I have filed the requisite form with TABC.

Patrons at bars or similar establishments operating under this paragraph may eat or drink only while seated, except that in an establishment that holds a permit from TABC as a brewer, distiller/rectifier, or winery, customers may sample beverages while standing so long as they are in a group of six people or fewer and there is at least six feet of social distancing or engineering controls, such as partitions, between groups.

Depending on when the above provisions are applicable to El Paso bars or similar establishments, this 50 percent occupancy limit applies only indoors; the limit does not apply to outdoor areas, events, or establishments, although social distancing and other protocols must be followed.

People **shall not** visit bars or similar establishments until part (a) above occurs. A current list of all counties reopening under this paragraph will be maintained on TABC's website.

The use by such bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks remains allowed to the extent authorized by TABC.

8. For purposes of this Order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed; and

9. Staff members are not included in determined operating levels, except for manufacturing services and office workers.

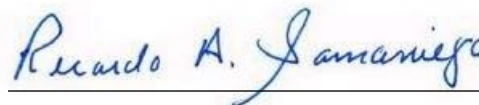
10. Nothing in this Order, the Governor's Executive Order(s), as amended, or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services.

11. Except as amended herein, the September 21, 2020, Fifth Order No. 11, shall otherwise remain in full force and effect unless superseded by a conflicting provision herein or by state or federal law or order.

12. This First Amendment shall take effect at 12:01 a.m. October 14, 2020.

ORDERED this the 13th day of October of, 2020.

COUNTY OF EL PASO, TEXAS

A handwritten signature in blue ink that reads "Ricardo A. Samaniego". The signature is written in a cursive style and is positioned above a horizontal line.

Ricardo A .Samaniego,
El Paso County Judge