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**ORDER NO. 14**  
**BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS**  
**STAY AT HOME/WORK SAFE ORDER**  
**DATE ORDER ISSUED: NOVEMBER 11, 2020**

DELIA BRIONES  
COUNTY CLERK  
EL PASO COUNTY, TEXAS

**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 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 16, 2020, Governor Greg Abbott and El Paso County Judge Ricardo A. Samaniego each issued declarations of disaster pursuant to Chapter 418, Texas Government Code, in order to respond to the COVID-19 pandemic; and

**WHEREAS**, on March 19, 2020, the El Paso County Commissioners Court issued an Emergency Order extending the County Judge'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 Judge'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 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, on March 13, 2020 the County Judge issued Local Emergency Orders No.1, No. 2, No. 3, and No. 4; on March 17, 2020 Order No. 5; on March 21, 2020 Order No. 6; on March 24, 2020 Order No. 7; on March 30, 2020 the First Amendment to Order No. 7; on April 29, 2020 Order No. 8; on April 30, 2020 the First Amendment to Order No. 8; on May 7, 2020 the Second Amendment to Order No. 8; on May 21, 2020 the Third Amendment to Order No. 8; on May 28, 2020 the Fourth Amendment to Order No. 8; on June 12 Order No. 9; on June 18 the First Amendment to Order No. 9; on June 29, the Second Amendment to Order No. 9; on June 29 Order No. 10; and on July 2 the Third Amendment to Order No. 9 and; on September 21, 2020 Order No. 11; on October 13 the First Amendment to Order No. 11, on October 16, 2020 the Second Amendment to Order No.11; on October 22, 2020 the Third Amendment to Order No. 11; on October 25, 2020 Order No. 12; on October 29, 2020 Order No. 13; and

**WHEREAS**, both the State of Texas and County of El Paso remain under a state of disaster, but in the recent weeks, El Paso County is experiencing a dramatic increase in COVID-19 cases, causing a crisis that requires additional consideration and response to stop the catastrophic effects COVID-19 has in the community; 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 certain 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 certain 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 of the Texas Government Code; and

**WHEREAS**, under section 418.108 of the Texas Government Code, the County Judge, as “presiding officer” of the County, is authorized to control ingress and egress from the disaster area and control the movement of persons; and

**WHEREAS**, the positivity rate 7-day rolling average for COVID-19 on September 14, 2020 was 4.53% and began climbing from there. By October 1, 2020 was at 9.45%; on October 14, 2020, it was 11.75%; on October 25, 2020, it was at 17.25%; and on November 7, 2020, it increased to 25.11%. This establishes a steady upward trend that equates to a nearly 554% increase in positivity rate over roughly a two-month period; and

**WHEREAS**, as of November 10, 2020 there are 29,118 active COVID-19 cases in El Paso County; and

**WHEREAS**, from October 10, 2020 to November 10, 2020 over 39,000 confirmed positive COVID-19 cases and 99 deaths were reported; and

**WHEREAS**, on October 15, 2020 Governor Abbott, while in El Paso County when COVID-19 positive cases were far lower than today, stated “local officials do have levels of flexibility to make sure they are able to contain the spread of COVID-19”; and

**WHEREAS**, as of November 10, 2020, El Paso County had 7-day average of 168.6 cases per 100,000 population; and

**WHEREAS**, as of November 10, 2020, the hospitalization rate as reported by the El Paso City-County Public Health Authority is 51% and over the last month the hospitalization rate spiked from 12% to 51% COVID-19 related hospitalizations; a 425% increase, which is having a detrimental effect on El Paso’s health system; and

**WHEREAS**, as of November 10, 2020, the hospitalization rate of COVID-19 patients, as reported by the El Paso City-County Public Health Authority, is more than triple the 15% capacity that the Governor of Texas has identified as a critical metric which requires consideration of further shutdowns and emergency action; and

**WHEREAS**, as of October 29, 2020, the capacity of all El Paso County area hospitals has reached its limits; and

**WHEREAS**, as October 29, 2020, all El Paso County area hospitals Intensive Care Units have exceed capacity and hospitals are now forced to establish temporary alternate care sites and airlift patients to other cities and have asked the Governor, through the Texas Department of Emergency Management, for additional alternate care sites to be able to care for El Paso County residents requiring hospitalizations; and

**WHEREAS**, on October 25, 2020 the El Paso’s Public Health Director, Angela Mora, issued a stark warning that, “with the surge of hospitalizations, we need the public to understand the strain our local health services and hospitals are going through” and “Moreover, with fewer hospital beds available due to the spike in COVID-19 patients seeking medical attention, this could adversely affect healthcare services for person with everyday non-COVID medical conditions and medical emergencies such as heart attacks, strokes and vehicular accidents”; and

**WHEREAS**, on October 7, 2020, I requested from Governor Abbott an exemption from further business openings, specifically to highlight that as a community comprised of 82.9% Hispanic or Latino, El Paso is experiencing a disproportionate and devastating impact in COVID-19 cases, hospitalizations and deaths; and

**WHEREAS**, as of November 10, 2020 according to the Texas Department of Health Services data, Hispanics represent 39.6% of all COVID-19 positive cases in Texas and represent 54.9% of all COVID-19 fatalities in Texas; and

**WHEREAS**, the State of Texas has provided much needed emergency relief including personnel, testing and equipment, yet despite the assistance El Paso will continue to experience unprecedented hardship; and

**WHEREAS**, on October 22, 2020 , I notified Governor Abbott of the surge of COVID-19 cases and the strain on our hospital resources which I foreshadowed would necessitate further action to stop the crisis in our community; and

**WHEREAS**, on November 6, 2020 , I wrote to Governor Abbott to propose an idea, as described below, to adopt a health-based matrix that would help guide communities, such as ours, that are experiencing COVID-19 surges and COVID-19 deaths; and

**WHEREAS**, as County Judge, I understand the need to responsibly balance the economic stability of the community with the public health of the community and, as such, have included my proposal to the Governor in this Order, a Reopening Matrix that will allow for the reopening of certain businesses as the healthcare community becomes less strained with COVID-19 cases and deaths; and

**WHEREAS**, County law enforcement, at my urging have dramatically increased efforts at enforcing the existing Stay Home, Work Safe Order; and

**WHEREAS**, despite efforts to encourage voluntary compliance, warnings, and enforcement, El Paso County continues to experience a surge of cases; and

**WHEREAS**, the El Paso United COVID-19 Transition Taskforce, a taskforce made up of healthcare community leadership has issued a plea that additional measures be taken to address the state of hospitalizations that are far exceeding surge capacity despite the deployment of resources from the State which will be exhausted and overwhelmed within days; and

**WHEREAS**, the El Paso United COVID- Transition Taskforce created a scorecard based on five areas with over fifteen measures to monitor the status of the disease in our community and El Paso County is at Stage 1 which is the worse stage that indicates that maximum protections should be in place for the community; and

**WHEREAS**, despite the efforts by our community and its leadership and previous efforts by the State, El Paso County is experiencing higher infectivity and expected increased deaths; and

**WHEREAS**, on November 1, 2020, the El Paso Pediatric Society issued a letter endorsing restrictions on non-essential services until mitigation of COVID-19 is attained; and

**WHEREAS**, inn November, 2020, the El Paso County Medical Society also issued a letter in support for a Stay at Home order to reduce the COVID-19 case trajectory; and

**WHEREAS**, as El Paso County's positive COVID-19 cases are worse today than when the first Stay at Home Order was issued; and

**WHEREAS**, El Paso County is overwhelmed with the excessive number of decedents, funeral homes and hospitals are requiring state and federal assistance in order to handle the mass

fatalities, and El Paso County is now utilizing multiple mobile morgues to handle the excessive number of deceased people in El Paso County; and

**WHEREAS**, as County Judge I will direct County resources to enforce compliance with this Order.

**NOW THEREFORE, TO REDUCE THE SPREAD OF COVID-19 THROUGHOUT EI PASO COUNTY AND TO REDUCE THE INFECTION RATE OF THE PEOPLE CONSIDERED AT RISK THAT WILL REQUIRE HOSPITALIZATION AND TO LIMIT DEATH FROM COMPLICATIONS OF COVID-19, I, COUNTY JUDGE FOR EL PASO COUNTY, TEXAS PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

#### **SECTION 1. STAY AT HOME OR PLACE OF RESIDENCE**

All individuals living within the County of El Paso are ordered to temporarily stay at home or at their place of residence. **Effective Thursday, November 12, 2020 at 12:00 AM MDT**, unless terminated or modified by a subsequent Order, the County Judge of El Paso County, Texas, deems it in the public interest to issue this Order, and orders that all individuals currently living in El Paso County, Texas to stay at home or at their place of residence except as allowed by this Order. Unless terminated or modified by a subsequent Order, this Order **shall expire on Tuesday, December 1, 2020 at 12:00 AM MDT, unless terminated, subject to being extended, modified, amended, rescinded, or superseded by me, pursuant to applicable law.** For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the social distancing and face covering requirements.

**All persons may leave their residences to participate in Election Activities, which is deemed an essential service, perform certain Essential Activities, to perform work or operate in an Essential Business, Essential Governmental Functions, or in Critical Infrastructure, engage in Essential Travel, Minimum Basic Operations, or operate or visit a Non-Essential Business establishment, in accordance with the Reopening Matrix, all defined below.**

#### **SECTION 2. ELECTION ACTIVITIES ARE AN ESSENTIAL SERVICE AND NOT AFFECTED BY THIS ORDER**

- i. Election activities shall be considered an essential function and under no circumstances does this Order affect the voting or campaigning for candidates on the December 12, 2020 ballot.
- ii. Election activities shall continue to follow Public Health Authority Orders and Guidelines relating to election activities.

- iii. The public should be assured that election activities are safe and significant steps have been taken to provide a sanitary environment as well as follow all appropriate social distancing and face covering measures.
- iv. ALL POLLING SITES SHALL REMAIN OPEN to continue election activities.

### **SECTION 3. STAY AT HOME OR PLACE OF RESIDENCE CURFEW**

In addition to the MANDATE to **STAY AT HOME OR PLACE OF RESIDENCE**, a curfew for all persons **shall** be imposed from 10:00 PM to 5:00 AM, unless that person is out on Essential Travel, performing Essential Activities or going to work in an Essential Business, Government Service or Critical Infrastructure, as defined in this Order.

### **SECTION 4. NON-ESSENTIAL BUSINESS AND OPERATIONS MUST CEASE**

All businesses or operations with a facility in the County of El Paso, except Essential Businesses as defined in this Order (“Non-Essential Business”), are required to cease all activities at facilities located within the County except Minimum Basic Operations as defined in this Order. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home), or providing Retail to Go. All Non-Essential Business establishments may reopen in accordance with the Reopening Matrix, as defined in Section 8.

### **SECTION 5. PROHIBITED ACTIVITIES**

All public or private gatherings **of any number of people** occurring outside a single household or living unit are prohibited, except as otherwise provided in this Order. Nothing in this Order prohibits the gathering of members of a household or living unit. Nursing homes, retirement and long-term care facilities shall prohibit non-essential visitors from accessing their facilities unless to provide critical assistance.

### **SECTION 6. TRAVEL**

All travel, including but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, is prohibited, except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential Business, Government Service, or Critical Infrastructure, as defined in this Order, or as otherwise provided in this Order. To the greatest extent feasible, people riding on public transit shall comply with social distancing and face covering requirements as defined in this Order and provided in CDC Guidelines. Notwithstanding anything to the contrary, if someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional, but may seek medical services as needed from medical personnel and facilities.

### **SECTION 7. DEFINITIONS AND EXEMPTIONS**

a. **Individuals experiencing homelessness.** A person that is homeless is exempt from this Order, however, such a person is strongly urged to obtain shelter.

b. **Essential Activities.** For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” 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.

i. **For Health and Safety.** 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 (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).

ii. **To Obtain Necessary Supplies and Services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products), and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. **For Outdoor Activity.** To engage in outdoor activity such as visiting open parks provided the individuals comply with Social Distancing Requirements (for example, walking, biking, hiking, fishing or running). Individuals may go to public parks and open outdoor recreation areas.

a. **County Facilities.** All County owned facilities, parks, and recreational areas shall close for the duration of this Order. Hiking, biking, walking and fishing shall be allowed, but all social distancing measures to include the use of face coverings shall be followed and will be enforced. This shall include the closure of County owned golf courses, handball courts, basketball courts, tennis courts, and pools. All tournaments and special events shall be cancelled and prohibited during this period.

iv. **For Certain Types of Work.** To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.

v. **To Take Care of Others.** To care for a family member or pet in another household or to care for a friend, child, the elderly, sick or dying.

vi. **To Seek Safe Residence.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence.

vii. **Religious services** including those conducted in churches, congregations, and houses of worship; however, given the critical condition of the community battling COVID-19 it is STRONGLY ENCOURAGED THAT SERVICES BE PROVIDED REMOTELY.

c. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors as identified by the National Cybersecurity and



Infrastructure Agency (CISA) including public works construction, residential and commercial 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), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential critical infrastructure shall implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines.

**d. Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Government Functions.” Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions. All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.

**i. County Essential Government Functions.** All County elected officials are strongly encouraged to allow their employees to work from home when possible.

**e. Businesses Covered by this Order.** 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. Essential Business.** For clarity, any Essential Business may implement and enforce stricter measures than those provided in this Order, in an effort to curtail the spread of COVID-19. As an example, this order may have no occupancy limits for Essential Business, but an Essential Business may choose to implement an occupancy limit to curtail the spread of COVID-19.

For purposes of this Order, Essential Business shall be defined as the following:

**i. Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. This includes all ancillary workers necessary for the delivery of healthcare services. Healthcare operations **DO NOT** include fitness and exercise gyms and similar facilities.

ii. **Essential Retail.**

**Individuals that choose to leave their homes for essential services SHALL limit their visit to one member of the household, unless serving as a caregiver.**

1. Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores. Food cultivation, including farming, fishing, and livestock.
2. Businesses that ship or deliver groceries, food, goods or services directly to residences.
3. Restaurants and other facilities that prepare and serve food, **but only for delivery or curbside service, in-person dining is prohibited** under this Order. For clarity, restaurants and other facilities that prepare and serve food may offer in-person dining and reopen in accordance with the Reopening Matrix, as defined in Section 8
4. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only.
5. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities.
6. Laundromats, dry cleaners, and laundry service providers.
7. Automobile dealerships, auto manufacturing and assembly, auto-supply, auto and bicycle repair, hardware stores, and related facilities.
8. Businesses that supply products needed for people to work from home.
9. This exemption **DOES NOT** apply to outdoor food stalls or other goods sold in an outdoor market, including but not limited to farmers' markets and swap meets.
10. **Retail to Go.** Retail services that may be provided through pick-up, delivery by mail, or delivery to the customer's doorstep. All social distancing and Face Covering Requirements shall be followed.

iii. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

iv. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection,

processing and disposal, building cleaning, maintenance and security, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses.

v. **Professional Services**, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

vi. Businesses that supply other essential businesses with support or supplies needed to operate.

vi. **Petroleum Refineries**

vii. **Media**. Newspapers, television, radio, and other media services. Members of the media shall follow all social distancing and face covering requirements.

viii. **Financial Institutions**. Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, and title companies.

ix. **Mail and Delivery Services**. Businesses providing mailing and shipping services, including post office boxes.

x. **Educational Institutions**. Educational institutions- including public and private K-12 schools, colleges, trade schools, and universities-for purposes of facilitating both distance and onsite learning or performing essential functions, provided that social distancing and face covering requirements are followed; however, given the critical condition of the community battling COVID-19 it is **STRONGLY ENCOURAGED THAT EDUCATIONAL SERVICES BE PROVIDED REMOTELY OR SUSPENDED UNTIL SUCH TIME IT IS SAFE TO RESUME IN PERSON INSTRUCTION. FURTHERMORE, IT IS STRONGLY RECOMMENDED AND ENCOURAGED THAT FOR THE SAFETY OF OUR COMMUNITY THAT SCHOOL DISTRICTS SUSPEND ALL EXTRACURRICULAR ACTIVITIES, TO INCLUDE SPORT ACTIVITIES, THROUGHOUT THE DURATION OF THIS ORDER.**

xi. **Supplies for Essential Businesses, Critical Infrastructure and Essential Government Functions**. Businesses that supply other Essential Businesses, Critical Infrastructure, and Essential Government Functions with the support or supplies necessary to operate; including but not limited to computers, audio and video electronics, hardware, paint, electrical and plumbing material. Sanitary equipment, medical equipment and supplies, and food and beverages. This includes businesses and manufacturers that retool so that a substantial part of their business is for the purpose of manufacturing and producing ventilators.

xii. **Food Delivery Services.** Businesses that ship or deliver groceries, food, goods or services directly to residences or stores that sell groceries or other essential supplies.

xiii. **Transportation.** Taxis, trains, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Critical Infrastructure, Essential Government Functions, and Essential Travel. This includes transportation maintenance services such as mechanics necessary to keep transportation services operational.

xiv. **Home-Based Care and Services.** Home-based care for the sick or dying, seniors, adults, or children, including caregivers who may travel to provide support and/or care.

xvi. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children, including but not limited to homeless shelters, centers against family violence, and transitional housing.

xvii. **Information Technology Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing. This includes stores primarily engaged in repairing computers, electronics and cell phones.

xviii. **Childcare Facilities.** 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:

1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
2. Children shall not change from one group to another, unless there is a closure of a childcare facility that requires a child to be placed in a new childcare facility. Children coming from facilities that may have closed shall be grouped together in one group, when possible.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

xix. **Animal Shelters and other Business that Maintain Live Animals.** Business that maintain and care for live animals are not permitted to allow any visitors or patrons, but may continue to operate to the extent necessary to provide for the animals. Nothing in this Section shall prohibit a non-employee from entering the premises to perform an Essential Health Care Services or another Essential Business Service.

xx. **Vector and Pest Control.** Establishments primarily engaged in exterminating and controlling birds, mosquitos, rodents, termites, wasps, and other insects and pests.

xxi. **Funeral and Post-Mortem Services:** Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to family members, responders, and survivors of an incident. Given the state of an overwhelming surge on fatalities funeral homes may continue to operate, but may only allow up to 10 people, excluding staff, in their buildings at a time. A funeral home may opt to further limit occupancy within its establishment, at its discretion.

g. **Minimum Basic Operations.** As noted above, all Non-Essential Business establishments are required to cease all activities at facilities located within the County, except for Minimum Basic Operations and Retail to Go, as defined in this Order. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with all Social Distancing and Face Covering Requirements:

- i. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; or
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

All Non-Essential Business establishments may reopen in accordance with the Reopening Matrix, as defined in Section 8.

**For clarity, any Non-Essential Business may implement and enforce stricter measures than those provided in this Order, in an effort to curtail the spread of COVID-19. As an example, this order may allow for a reopening of a Non-Essential Business, under the Reopening Matrix in Section 8, but a Non-Essential Business may choose to continue to restrict in-person services or may implement a stricter occupancy limit to curtail the spread of COVID-19.**

h. **Essential Travel.** For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing and Face Covering Requirements as defined in this Order.

- i. Any travel related to the provision of or access to Election Activities, Essential Activities, Essential Governmental Functions, Essential Businesses, Critical Infrastructure, or Minimum Basic Operations;

- ii. Travel to care for or transport the elderly, minors, dependents, persons with disabilities, or other vulnerable persons, pets, or livestock;
- iii. Travel to or from educational institutions for purposes of receiving 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, including an administrative court order;
- vi. Travel by church staff/clergy for the purpose of providing religious services and other ministries requiring travel;
- vii. Travel required for non-residents to return to their place of residence outside the County.
- viii. Travel engaged in interstate commerce and otherwise subject to the provisions of the Commerce Clause of the United States Constitution.
- ix. Travel to operate or visit a Non-Essential Business establishment, in accordance with the Reopening Matrix in Section 8.

- i. **Social Distancing Requirements.** For purposes of this Order Social Distancing Requirements include maintain 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 with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- j. **Face Covering Requirement.** Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's **nose and mouth** is necessary to help slow the spread of the virus. Therefore, every person in El Paso **shall** wear some form of face covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, whenever it is not feasible to maintain six feet of social distancing from another person not in the same household; *provided, however, that this face covering requirement does not apply to the following:*
  - i. Any person younger than 2 years of age (Note, parents and guardians of children over the age of 2 and under the age of 10 are responsible for appropriately making their children wear a face covering as required herein);
  - ii. Any person with a medical condition or disability that prevents wearing a face covering;
  - iii. Any person while the person is consuming food or drink;
  - iv. Any person while the person is (a) exercising or engaging in physical activity outdoors, indoors, individually or in a group and (b) maintaining a safe distance from other people not in the same household;
  - v. Any person while the person is driving alone or with passengers who are part of the same household as the driver;
  - vi. Any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the

- face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
- vii. Any person while the person is in a swimming pool, lake, or similar body of water;
- viii. Any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- ix. Any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
- x. Any person while the person is giving a speech for a broadcast or to an audience.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

Wearing a face covering is not a substitute for maintaining 6-feet social distancing and hand-washing, as these remain important steps to slowing the spread of the virus.

It is strongly recommended that you not obtain or wear medical grade masks or N-95 respirators as they are a needed resource for healthcare providers and first responders.

**Violation of Face Covering Requirement.** Following a verbal or written warning for a first-time violator of this face-covering requirement, a person’s second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

**SECTION 8. REOPENING MATRIX**

All Non-Essential Business establishments may reopen as the number of COVID- 19 hospitalized patients as a percentage of total hospital capacity decreases, in accordance with the table below, and based on the El Paso Department of Health reports, as published on <http://epstrong.org/results.php>. At the time of this Order, El Paso County is has had seven or more consecutive days in which the number of COVID- 19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent. Non-Essential Business establishments may increase capacity according to the levels indicated below, until such time as El Paso County has seven consecutive days in which the number of COVID- 19 hospitalized patients as a percentage of total hospital capacity decreases, as indicated below. The office of the County Judge will announce and communicate to the media and the public when El Paso County has reached a level of hospitalization rate in which occupancy limits for Non-Essential Business establishments may increase. The occupancy limits on Non-Essential Business establishments shall be applied as follows:

<b>Level Hospitalization Rate</b>	<b>Number of COVID- 19 hospitalized patients as a percentage of total hospital capacity (7 consecutive days)</b>	<b>Occupancy limit for Non-Essential Business Establishments</b>

3	Between 15.1% - 24.9%	50%
2	25% to 29.9%	25%
1	30% and above	0%, except that Non-Essential Business establishment may conduct Minimum Basic Operations, and offer curbside, pick-up, and Retail To-Go

**SECTION 9. LABORATORY CONFIRMED COVID-19 TEST RESULTS**

An individual that receives a positive COVID-19 test result but that has not yet been contacted by the City’s Department of Public Health within 24 hours of receiving the laboratory results, **must** isolate, and those from within their household **must** quarantine, and report to (915) 212-6520 within 24 hours of receiving the positive test result. Healthcare workers and first responders should follow the current Department of Public Health’s Guidelines for Healthcare Workers and First Responders, as published on epstrong.org.

**FAILURE TO REPORT.** Individuals who fail to report or participate in contact tracing efforts shall be subject to the Enforcement provision of this Order.

**SECTION 10. HEALTH AND SAFETY POLICY BUSINESSES.** All businesses in El Paso County **shall** develop and implement a health and safety policy (“**Health and Safety Policy**”). The Health and Safety Policy **shall require**, at a minimum, the following:

- a. All businesses (this shall include all offices and departments for the County of El Paso) must require employees, including volunteers, to have a face covering when either in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where six (6) feet of separation from other individuals not in the same household is not feasible, and to the extent allowed by law;
- b. All businesses must require that all visitors, to include contractors and vendors, wear face coverings while on the business’s premises. Visitors subject to an exception listed in Section 4 are not subject to this provision;
- c. All businesses must maintain and provide face coverings for visitors;
- d. All businesses must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees, volunteers and visitors; and
- e. The Health and Safety Policy required to be developed and implemented by this Order may also include other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks and health screenings.



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.

**For clarity, any covered business may implement and enforce stricter measures than those provided in this Order, in an effort to curtail the spread of COVID-19. As an example, this Section provides for the minimum requirements for a health and safety policy, but a covered business may provide for stricter requirements.**

**Violation For Failure to Implement Health and Safety Policy.** Failure to develop and implement the Health and Safety Policy required by this Order by the Effective Date may result in a fine not to exceed \$500 for each violation.

**SECTION 11. ESSENTIAL SERVICES EXEMPTED.** Notwithstanding the above restriction, this Order is not intended to apply to any business operations delivering essential services. Essential Services means services, by whomsoever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger life, health or personal safety of the whole or part of the population.

**SECTION 12. TERM.** This Order shall be **effective on Thursday, November 12, 2020 at 12:00 AM MDT, and shall expire on Tuesday, December 1, 2020 at 12:00 AM MDT, unless terminated, subject to being extended, modified, amended, rescinded, or superseded by me pursuant to applicable law.**

**SECTION 13. ORDER POSTING.** The County of El Paso must promptly provide copies of this Order by posting on the El Paso 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.

#### **SECTION 14. ENFORCEMENT**

Pursuant to Texas Government Code Section 418.173(b), it is an offense for an individual to violate a condition or restriction of any Order issued by the El Paso County Judge during the public health crisis/disaster. Unless an alternate penalty is described within a specific Section of this Order No. 14, said offense shall be a Class C Misdemeanor punishable by a fine not to exceed \$500.

Any peace officer, including, but not limited to, officers of the El Paso County Sheriff's Office, the El Paso Police Department, County of El Paso Constables, and the Fire Marshal's Office, is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code. To the extent allowed by law, this order may be enforced by any code enforcement officers, code compliance officers, or other similar designation, in the same manner that municipal codes and ordinances are enforced.

**SECTION 15. APPLICATION.** This Order of the County Judge applies to all incorporated and unincorporated areas of El Paso County. This includes the Village of Vinton, City of San Elizario,

City of Socorro, Town of Horizon City, Town of Clint, Town of Anthony, and City of El Paso. To the extent of conflict between the El Paso County Judge and mayor of any city within the geographic boundaries of El Paso County, the decisions set forth in this Order prevail to fullest extent allowed by law pursuant to Texas Government Code Section 418.108.

#### **SECTION 16. POSTING OF THIS ORDER**

The County will post this Order. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this **shall** post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

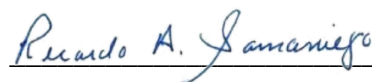
#### **SECTION 17. PRIOR ORDERS**

This Order is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitals set out in the preamble to this Order. Unless specifically referenced in this Order No. 14, all prior County Judge Orders and relevant amendments shall stand superseded. To the extent that there is a conflict between this Order and any executive order of the Governor, the strictest order shall prevail.

**SECTION 18. SAVINGS CLAUSE.** 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.

**SECTION 19.** This order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect until the state of local disaster is terminated, subject to being extended, modified, amended, rescinded, or superseded by me.

**ORDERED** this the 11<sup>th</sup> day of November, 2020, in El Paso County, Texas.



Ricardo A. Samaniego  
El Paso County Judge