

CLAY COUNTY
Mike Campbell
County Judge

ORDER CJ 412020

WHEREAS, on March 18, 2020, Clay County Judge Mike Campbell signed a Declaration of Local Disaster for Public Health Emergency for the County of Clay, Texas related to COVID-19 pursuant to §418.108(a) of the Texas Government Code; and

WHEREAS, the Declaration of Emergency was extended by a unanimous vote of the Clay County Commissioners Court on March 23, 2020; and

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

WHEREAS, Governor Greg Abbott issued an Executive Order GA14 on Monday, March 31, 2020, issuing orders for Texans Relating to statewide continuity of essential services and activities during the COVID-19 disaster; and

WHEREAS, the Texas Commissioner of State Health Services declared a Public Health Disaster for the entire State of Texas on Thursday, March 19, 2020, and outlines specific control measures and mitigation strategies; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Clay County while protecting the Constitutional liberties of citizens by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility

BE IT THEREFORE ORDERED BY THE COUNTY JUDGE OF CLAY COUNTY:

1. **Effective as of 11:59 p.m. on April 1, 2020, and continuing until 11:59 p.m. on April 10, 2020:**

- To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence.
- Per the Guidelines from the President and the CDC, every person in Clay County shall avoid social gatherings in groups of more than ten people.
- All public or private gatherings of more than ten people occurring outside a single household or residence are prohibited, except as otherwise provided herein. Nothing in this Order prevents the gathering of members of a household or residence. This prohibition includes all non-social gatherings.
 - The exception is that a gathering can be held with more than ten people in a space where there is a minimum of 6 feet between each individual in that gathering for the duration of the gathering.
 - For example, a 6 ft. radius around an individual is 113.1 square feet. To conduct a business meeting or a church worship service of 20 people, the space in which the meeting is conducted must contain at least 2,262 square feet, which could equate to a room that is roughly 48' x 48'.
- Religious institutions are strongly urged to provide religious and worship services by video and or teleconference. Religious institutions may also be permitted to conduct worship services outdoors as long as at least six feet distance is maintained between individuals or family units.
- Restaurants with or without drive-in or drive-through services and bars, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
- Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for an end-of-life event, as allowed by the facility.

- If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home for 14 days. This order will continue until or unless otherwise directed by Dr. Greer, the Clay Health Authority. Members of the household cannot go to work, school, or any other community functions during the isolation period.
- Per the Guidelines from the Governor, the President, and the CDC, schools shall temporarily close.
- People shall avoid public playground equipment.
- Governmental entities in Clay County are encouraged to maintain essential services and infrastructure necessary for the public good and safety while complying with the spirit of this order as much as practicable in their continued daily operations.
- Clay County residents are ordered to remain in their residences as much as possible and limit trips outside their residences to work and travel for essential items only. Any residents that are AT RISK should to the greatest extent feasible, remain at home at all times.
- Non-Essential Business and Operations Must Cease. All businesses or operations with a facility in Clay County, except Essential Businesses and Essential Government Functions, as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 7 below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their residences (i.e., working from home).
- All Essential Businesses, Essential Government Service, and Critical Infrastructure are strongly encouraged to remain open, especially those that provide the necessities for food water and shelter.
- **Essential Businesses shall comply with Social Distancing Requirements as defined below.**

2. Pursuant to Government Code §418.173, violation of this order is an offense punishable by a fine not to exceed \$1,000 and may also include confinement in jail for a term not to exceed 180 days.

Per Texas Government Code section 418.108(c), this order shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Clay County.

Definitions and Exemptions.

"Essential services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship.

Go to www.tdem.texas.gov/essentialservices. to determine whether your business is an "essential service" as defined by Texas Executive Order GA-14

- a. **Essential Activities.** For purposes of this order, individuals may leave their residence only to perform any of the following "Essential Activities." 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.
 - i. **For Health and Safety.** Individuals may 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), to work for or obtain services at any "Healthcare Operations," as defined in Section 7.e.i., below;
 - ii. **For Necessary Supplies and Services.** Individuals may 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, groceries, and food, including pet supplies and food, supplies they need to work from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
 - iii. **For Outdoor Activity.** Individuals may engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, bicycling, or running, provided the individuals comply with Social Distancing Requirements as defined in this section. Individuals shall not use public playground equipment, public picnic tables, public basketball courts, and other public sports and recreational equipment;
 - iv. **For Certain Types of Work.** Individuals may perform work in providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to carry out activities otherwise explicitly permitted in this order, including Minimum Basic Operations; or
 - v. **To Take Care of Others.** Individuals may care for a family member or pet in another household.
- b. **Essential Government Functions:**
 - i. All sworn Police Department
 - ii. Fire Department
 - iii. Emergency Medical Services
 - iv. Emergency management personnel
 - v. Emergency dispatchers
 - vi. Essential court personnel, legal personnel; child

protection and child welfare personnel

- vii. All military personnel
- viii. All personnel working for companies (including their subcontractors) who perform under contract to the Department of Defense providing materials and services to the Department of Defense
- ix. All personnel working for companies (including their subcontractors) who perform work under contract to State or Federal Governmental Entities for which they are required under state or federal law to remain open
- x. All law enforcement personnel
- xi. Housing and shelter personnel
- xii. Clay County employees who are responsible for road maintenance, record protection, and retention.

This order does not apply to the Federal or State Government.

For purposes of this order, "Essential Government Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety, and welfare of the public and all agencies that provide for the health, safety, and welfare of the public. The County Judge shall determine its Essential Government Functions and identify employees and contractors necessary to perform those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this section.

- c. **Businesses Covered by this Order.** For 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 it's corporate or entity structure.
- d. **Essential Businesses.** For this order, "Essential Businesses" means:
 - i. **Healthcare Operations.** Healthcare Operations and Critical Infrastructure, including but not limited to caregivers, hospital and laboratory personnel, and pharmacy employees, including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales or any related or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare and life-saving services provided to animals. This order shall be construed broadly to avoid any impacts on the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms or other similar facilities and does not include retail outlets that specialize in the selling of electronic cigarette products or cannabidiol products;
 - ii. **Stores that sell Groceries and Certain Other Essential Supplies** Grocery stores, supermarkets, farmers' markets, food banks, convenience stores, liquor stores and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry,

- and any other household consumer products {such as cleaning and personal care products). This order includes stores that sell groceries and also sell other non-grocery products and products necessary to maintain the safety, sanitation, and essential operation of residences.
- iii. **Food Cultivation.** Food cultivation, including farming, livestock, and fishing;
 - iv. **Social Services and Charitable Organizations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. **News Media.** Newspapers, television, radio, and other news media services;
 - vi. **Gas Stations and Businesses Needed for Transportation.** Gas stations, auto-manufacturing and assembly, auto mechanics, auto- supply, auto-repair, and other related facilities;
 - vii. **Petroleum and Natural Gas Production** Individuals responsible for the production of oil and gas in Clay County. This order includes pumpers, oil field workers and supervisors.
 - viii. **Financial Institutions.** Banks and related financial institutions, consumer lenders, sales and finance lenders, credit unions, appraisers, entities that issue bonds, insurance companies, underwriters, agents, brokers, and related insurance claims and agents;
 - ix. **Hardware and Supply Stores.** Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions;
 - x. **Critical Trades.** Plumbers, electricians, exterminators, pool cleaners, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences, essential activities, Essential Businesses, essential Government Functions, or Critical Infrastructure, including but not limited to utilities such as electricity, gas, water and wastewater, and other publicworks;
 - xi. **Mail and Delivery services.** Businesses providing mailing and shipping services, including post office boxes;
 - xii. **Laundry Services.** Laundromats, dry cleaners, and laundry service providers;
 - xiii. **Restaurants for Consumption Off-Premises.** Restaurants and other facilities that prepare and serve food or alcohol, but only for delivery, drive-through, or carry out. **All individuals who obtain food or beverages from these establishments are required to leave the premises of said establishment within five minutes of receiving their food or beverage.** Premises of these establishments include all indoor and outdoor facilities, including parking lots. Individuals shall not consume food or beverages on the premises of any establishment regulated under this subsection. Truck drivers holding COL licenses and who are operating a semi-tractor-trailer truck for commercial purposes are exempt from the food requirements of this subsection. At the same time, they are on the premises of any truck stop or travel center. Said truck drivers are limited to eating only in their semi- trucks while on said premises.
 - xiv. **Schools and other entities** that typically provide free 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 and 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;

- xv. **Supplies to Work from Home.** Businesses that supply products needed for people to work from home;
- xvi. **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, supplies, or components necessary to operate, including but not limited to computers, audio and video electronics, microelectronics, semiconductors, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment, and food and beverages;
- xvii. **Food Delivery Services.** Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xviii. **Transportation.** Aircraft, taxis, 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, or Essential Travel;
- xix. **Home-Based Care and Services.** Home-based care for seniors, adults, or children, including caregivers who may travel to provide care;
- xx. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children, and animals;
- xxi. **Professional Services.** Professional services, such as legal or accounting services, and insurance services when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, essential Government functions, or Critical Infrastructure;
- xxii. **Real Estate Services.** Real estate services are limited to those necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government Functions, or Critical Infrastructure. Real Estate companies are allowed to perform property management services and are allowed to finalize closing activities for all real estate contracts in existence as of April 1, 2020. Services do not include accepting new real estate listings or showing any real estate listing.
- xxiii. **Lawn Maintenance Services.** Essential lawn maintenance services are limited to the mowing of weeds and grass and to the emergency removal of trees that pose a health and safety hazard.
- xxiv. **Automobile dealerships.** Car dealerships may provide repairs and parts services. Car dealers may remain open only for individuals who need to purchase vehicles to perform essential functions and travel and for businesses that need vehicles for essential business and essential government services. Showrooms are to be open to such individuals by appointment only.
- xxv. **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, as well as telecommunications services, internet access, and broadband/communications services;
- xxvi. **Moving Supply Services.** Businesses that provide rental or commercial moving services and necessary moving supplies;


- xxvii. **Hotels and Motels.** Hotels and motels, to the extent used for lodging or delivery or carry-out food services;
- xxviii. **Funeral, mortuary, cremation, burial, cemetery, and related services,** provided that social distancing of six feet per person is maintained to the greatest extent possible and no more than ten (10) persons are present during the activity;
- xxix. **Educational Institutions.** Educational institutions-including public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning, performing critical research, or performing other essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible; and,
- xxx. **Childcare Facilities.** Childcare facilities are providing services that enable individuals exempted in this order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - i. 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);
 - ii. Children shall not change from one group to another;
 - iii. 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.
 - iv. Childcare providers shall remain solely with one group of children.
 - e. **Minimum Basic Operations.** For this order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in 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; or
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - f. **Essential Travel.** For this order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this section.
 - i. Any travel related to the provision of or access to Essential Activities, essential Governmental Functions, Essential Businesses, Critical Infrastructure, or Minimum Basic Operations;
 - ii. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services;
 - iv. Travel to return from or to a place of residence from outside the jurisdiction (e.g., returning home from a closing university);
 - v. Travel required by law enforcement or court order;
 - vi. Travel by church staff/clergy to produce remote delivery of religious services or other ministries requiring travel; or,
 - vii. Travel required for non-residents to return to their place of residence outside the

- City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional before commencing such travel.
- g. **Residences.** For purposes of this order, residences include single-family homes, multiple-family homes, hotels, motels, shared rental units, and similar facilities.

This order is an attempt to keep the residents and visitors to Clay County safe. It is not our intention to cause undue hardships to the people of Clay County. However, we are facing a medical threat that, at this time, has no known cure or prevention other than social distancing. We understand that this goes against the very nature of friendly, hard-working men and women who are the very essence of Clay County from its very beginning.

As a result of these circumstances, extraordinary measures are required. I hope that you will recognize the situation we are in and join us in this war on an invisible opponent.

ORDERED this 1st day of April 2020.


Mike Campbell
Clay County Judge

FILED FOR RECORD
AT: 9:15 O'Clock A M

APR 03 2020

SASHA KELTON
County Clerk, Clay County, Texas