

CITY OF PENITAS
AMENDED EMERGENCY ORDER
RELATED TO THE EXPANDED REOPENING OF SELECT
SERVICES DURING THE PUBLIC HEALTH EMERGENCY

EXPANDED REOPENING OF SERVICES ORDER

WHEREAS, Mayor Rodrigo Lopez declared a local disaster on March 17, 2020, due to COVID-19; and

WHEREAS, on April 27, 2020, Governor Abbott issued Executive Order GA-18 and Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and,

WHEREAS, the State of Texas and the City of Penitas must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical and business leaders; and,

WHEREAS, the ongoing evaluation of circumstances involving the moderate to substantial spread of the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the Order to be amended; and,

WHEREAS, the City Mayor has determined that extraordinary emergency measures are necessary to be taken to continue with the mitigation of this public health emergency, facilitate a cooperative response amongst the citizens of City of Penitas, and reopen the aforementioned business and industrial aspects of the City of Penitas;

WHEREAS, the Orders issued April 6th, 2020 by Mayor Rigo Lopez expire at 11:59 p.m. on April 30, 2020.

THEREFORE, PURSUANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT of 1975, Hidalgo County Judge Richard Cortez hereby issues this AMENDED ORDER as follows:

EFFECTIVE AS OF 12:01 A.M. ON MAY 1, 2020.

The provisions of CITY OF PENITAS EMERGENCY ORDERS entered on April 7, 2020, will EXPIRE except as modified herein.

MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES:

All persons shall minimize social gatherings, minimize in-person contact with people who are not in the same household. It is highly encouraged and recommended that all persons stay at home, unless obtaining or providing for essential or reopened services as defined herein.

Individuals should conduct personal activities in compliance with recommended guidelines including maintaining six feet physical distancing; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; and covering mouth and nose.

All public or private gatherings of ten (10) persons or more occurring outside a single household or living unit are prohibited, except as specifically exempted under Executive Order EO-GA-18. Nothing in this Order prohibits the gathering of members of a household or living unit.

It is highly encouraged and recommended that all persons over the age of three (3) should wear some form of covering over their mouth and nose, such as a homemade mask, scarf, bandana, or handkerchief, when obtaining or providing essential services or reopened services, entering into any building open to the general public for essential services or reopened services; when on parking lots; when using public transportation, taxis, or ride services; when pumping gas; when providing take-out, curbside, or drive-thru services.

This recommendation shall not apply to persons that are: engaging in a permissible outside physical activity (unless within six feet of another person); persons driving or riding in a personal vehicle during essential or reopened activities; persons that are alone in a separate single room or office space; persons that are with their own residence, including household members; persons with medical conditions that when covering the nose and mouth may pose a greater health, safety or security risk; persons that are not covering for consumption purposes.

ESSENTIAL SERVICES:

For the purposes of this Order “Essential Services” shall consist of the critical infrastructure sectors and workers, and functions identified by the U.S. Department of Homeland Security-Cyber Security and Infrastructure Security Agency’s *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience In COVID-19 Response*, Version 3.0 (April 17, 2020) or any subsequent versions. Requests for additions to “Essential Services” should be directed to the Texas Division of Emergency Management (TDEM) at EssentialServices@tdem.texas.gov, or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

For the purposes of this Order “Essential Services” shall include religious services conducted in churches, congregations, and houses of worship. It is highly recommended and encouraged that religious and worship services be provided remotely by video and teleconference. Services that are not conducted remotely should be conducted in compliance with the minimum health protocols in accordance with the joint guidance issued and updated by the Texas Attorney General and the Texas Governor’s Office.

For the purposes of this Order, conditions and limitations set out below for Reopened Services, SHALL NOT APPLY to Essential Services.

REOPENED SERVICES:

In accordance with Governor Abbott's Executive Order GA-18, "Reopened Services" shall consist of the following:

1. Retail Services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
2. In-Store Retail Services that operate at no more than twenty-five percent (25%) of the total listed occupancy of the retail establishment.
3. Dine-in restaurant services that operate at no more than twenty-five percent (25%) of the total listed occupancy of the restaurant; provided however that:
 - a. This applies only to restaurants that have less than fifty-one percent (51%) of their gross receipts from the sale of alcoholic beverages and/or are not required to post the 51% sign as required by the Texas Alcoholic Beverage Commission; and
 - b. Valet services are prohibited except for vehicles with placards or plates for disabled parking.
4. Shopping malls that operate at no more than twenty-five percent (25%) of the total listed occupancy of the shopping mall; provided, however that within the shopping mall, food-court dining areas, play areas, and interactive displays and settings shall remain closed.
5. Museums and libraries that operate at no more than twenty-five percent (25%) of the total listed occupancy; provided, however, that:
 - a. Local public museums and local public libraries may so operate only as permitted by the local governing authority; and
 - b. Any components of museums or libraries with interactive functions, exhibits, or child play areas shall remain closed.
6. Services provided by an individual working alone in an office.
7. Local government operations, related to permitting, recordation, and document-filing services, as determined by the governing authority.
8. Additional services as may be enumerated by any future orders or proclamations by the Governor's Office.

All Essential Services or activities or Reopened Services shall be provided and/or obtained in compliance with the DSHS Minimum Standard Health Protocols at www.dshs.texas.gov/coronavirus/opentexas.aspx, and this Order; with CDC guidelines; with Physical Distancing for employees and the general public; washing hands with soap and water for at least twenty seconds or using hand sanitizer; covering coughs or sneezes; cleaning high-touch surfaces; not shaking hands; covering mouth and nose; and working from home through remote telework, if possible.

WORK SAFE MEASURES:

All Essential Services or Reopened Services operating in unincorporated areas of the County, including, as defined above, may adopt work safe measures and or reopening plans that should comply with the Minimum Standard Health Protocols as recommended by DSHS at

www.dshs.texas.gov/coronavirus/opentexas.aspx; CDC guidance and Physical Distancing requirements including maintaining six foot physical distancing for both employees and the general public; washing hands with soap and water least twenty seconds or using hand sanitizer; covering coughs or sneezes; and covering mouth and nose. Work safe measures must be available upon request.

Essential Services or Reopened Services may utilize an existing “Work Safe” plan or “Reopening” plan that has been required by and/or submitted to a municipal jurisdiction to ensure measures are in place to protect the health, safety and welfare of County residents and avoid the continued spread of COVID-19.

In accordance with Governor Abbott’s Executive Order GA-19 all licensed health care professionals shall be limited in their practice by and must comply with emergency rules promulgated by their state licensing agencies minimum safe practice standards during the COVID-19 disaster. www.tmb.state.tx.us/page/coronavirus#emergencyrules

In accordance with Governor Abbott’s Executive Order GA-19 all hospitals licensed under Chapter 241 of the Texas Health and Safety Code shall reserve at least fifteen percent (15%) of capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients, as determined by the Texas Health and Human Services Commission. <https://hhs.texas.gov/services/health/coronavirus-covid-19>

In accordance with Governor Abbott’s Executive Order GA-18, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year. Public education teachers and staff may return to schools to conduct remote video instruction, or administrative duties, including meal distribution, instructional materials distribution, and other business operations, as determined by their governing body, and under the any required terms of the Texas Education Agency. Private schools and institutions of higher education should establish similar terms for conducting school activities.

In accordance with Governor Abbott’s Executive Order GA-18, people shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage parlors, tattoo, and piercing parlors; Hair and nail salons, barber shops, estheticians, and related personal care business. Provided however, that the use of drive-thru, delivery, or take out service is allowed and highly encouraged for food throughout the duration of this Order. Employees, customers and patrons should follow CDC guidance; comply with Physical Distancing including maintaining six-foot physical distancing from each other, washing hands with soap and water at least twenty seconds or using hand sanitizer; covering mouth and nose.

In accordance with Governor Abbott’s Executive Order GA-18, people over the age of 65 are strongly encouraged to stay home as much as possible and maintain appropriate distance from any member of the household who has been out of the residence in the previous fourteen (14) days; the home, implement physical distancing, wash hands with soap and water at least twenty seconds or use hand sanitizer, cover mouth and nose. People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance 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 the HHSC, including minimizing the movement of staff between facilities as appropriate.


This Order shall be effective until **11:59 p.m. on May 18, 2020**, or until it is either rescinded, superseded, or amended pursuant to applicable law, the status of COVID-19 in the City of Penitas, Texas, and/or recommendations of the Governor’s Strike Force to Open Texas. This Order supersedes prior Orders, and in the event of a conflict or apparent conflict between the Orders, this Order shall control.

The City of Penitas must promptly provide copies of this Order by posting on the City 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.

This Order is in addition to the executive orders issued by Governor Greg Abbott. As such, to the extent that this City Order may be inconsistent with any orders issued by the Governor, then the Governor’s shall control, but only to the extent this order may not restrict essential services or reopened services, allow gatherings prohibited by Executive Order GA-18, or expand essential services or reopened services set forth in Executive Order GA-18.


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.

ORDERED this 30th day of April, 2020


Rodrigo "Rigo" Lopez, Mayor



ATTEST:


Ana M. Valdez, City Secretary