

**COUNTY OF JOHNSON, TEXAS
COUNTY JUDGE SIXTH AMENDMENT TO DECLARATION OF LOCAL STATE
OF DISASTER
DUE TO PUBLIC HEALTH EMERGENCY**

WHEREAS, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death, and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, Johnson County, Texas, is taking extraordinary measures to prevent the spread of the potentially devastating disease in our community; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code.

NOW THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF JOHNSON COUNTY, TEXAS:

SECTION 1. That a local state disaster for public health emergency is hereby declared for Johnson County, Texas, pursuant to Section 418.108(a) of the Texas Government Code

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code the state of disaster for public health emergency shall continue for a period of not more than seven (7) days from the date of this Declaration, unless approved by the Commissioners Court of Johnson County, Texas.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this Declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this Declaration of a local state of disaster activates the Johnson County, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the Declaration.

Filed For Record 2:25

APR 23 2020

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Becky Ivey
County Clerk, Johnson County Texas
BY *EW* DEPUTY

SECTION 5. That this Declaration authorizes the County to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the County, regulating ingress and egress to occupied structures, establishment of quarantine stations, emergency hospitals, and other hospitals, and insuring compliance for those who do not comply with the County's rules and directives.

SECTION 6. All individuals currently living in Johnson County, Texas are hereby ordered to stay at their place of residence except as permitted in this Declaration. For the purpose of this Declaration, residences shall also include hotels, motels, shared rentals, and similar facilities.

SECTION 7. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Declaration prohibits the gathering of members of a household or living unit.

For the purpose of allowable work related activities, this Declaration does not prohibit gatherings of people in multiple, separate enclosed spaces (including separate cubicles) in a single building such as different floors of a multi-level office, residential building, or hotel, so long as 10 people are not present in any single space at the same time and there is sufficient space to practice social distancing. Social distancing as used in this Declaration means maintain separation from others by a distance of 6 feet or more.

For gatherings for weddings and funerals, this Declaration hereby limits the gatherings to a maximum of 10 individuals total so long as there is sufficient space to practice social distancing. Social distancing as used in this Declaration means maintain separation from others by a distance of 6 feet or more. The limit of 10 applies to the cumulative of all staff and participants present.

For gatherings of church services, the Guidance for Houses of Worship During the COVID-19 Crisis issued by Governor Greg Abbott, attached hereto as Exhibit "A" is to be followed.

SECTION 8. All persons may leave their residences for the following activities:

- a. 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 needed to work from home).
- b. 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).
- c. To engage in outdoor activity, provided the individuals comply with gathering and social distancing requirements of six feet (for example, walking, bicycle riding, hiking or running).
- d. To care for a family member or pet in another household.
- e. To go to work and provide services.

SECTION 9. 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 of their residence.

SECTION 10. In accordance with Executive Order of the Governor of the State of Texas, (GA-15), the following shall continue until 11:59 p.m. on May 8, 2020:

- a. All licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided, however, that this prohibition shall not apply to either of the following:
 - Any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster; or
 - Any surgery or procedure performed in a licensed health care facility that has certified in writing to the Texas Health and Human Services Commission both: (1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and (2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster.

SECTION 11. In accordance with the Guidelines from the President and the CDC, and by Executive Order of the Governor of the State of Texas, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities.

SECTION 12. Only essential retail shall be allowed and all other retail is prohibited. Essential retail shall only include the following:

- a. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, home improvement stores and other retail stores that sell food products and household staples, pet and feed stores.
- b. Pawn shops and gun stores.
- c. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences.
- d. 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.
- e. Laundromats, dry cleaners, and laundry service providers.
- f. Businesses that provide for the delivery, service of, or preparation of vehicles.
- g. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box.
- h. Businesses that supply products necessary for essential repairs and maintenance of a home or business.
- i. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.

- j. Real Estate Companies, Title Companies, Mortgage Companies, Financial Institutions, Insurance Companies and Professional Services.
- k. Residential and Commercial Landscaping and Lawn Care businesses.
- l. Recreational vehicle (RV) dealers, campgrounds and parks.
- m. Childcare facilities providing services that enable employees who perform essential activities or work for an essential business to work as permitted.
- n. Residential and commercial construction & remodeling.

In accordance with Executive Order of the Governor of the State of Texas, (GA-16), the following "Reopened Services" shall begin at 12:01 a.m. p.m. on Friday, April 24, 2020 and consist of:

- Retail services that are not "essential services", but that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep in strict compliance with the terms required by DSHS. The DSHS requirements may be found at www.dshs.texas.gov/coronavirus.
- Such additional services as may be enumerated by future executive orders or proclamations by the governor.

SECTION 13. That this Declaration hereby orders the closure of all commercial amusement and entertainment venues; theaters; gyms; group or individual garage sale events; door to door solicitation; fitness classes; yoga and personal training facilities; similar facilities and classes; tattoo and piercing parlors and tanning salons; public auctions (other than livestock); residential meeting spaces; event centers; hotel meeting spaces and ballrooms; outdoor plazas and markets; barber shops; hair salons; nail salons; spas; massage parlors; estheticians and related personal care businesses; indoor malls; bars, lounges, taverns, and private clubs; all of which businesses are closed and no occupancy is permitted.

SECTION 14. For convenience stores, this Declaration hereby limits the occupancy to a maximum of 10 individuals inside the store at any one time and requires convenience store operators to enact and ensure social distancing of a minimum of six (6) feet between all customers. The limit of 10 applies to the cumulative of all staff and patrons present.

SECTION 15. So long as there is sufficient space to practice social distancing, this occupancy or gathering limit does not apply to office buildings, government buildings, critical infrastructure such as airport and transit facilities, residential buildings, grocery stores, pharmacies, home improvement and supply stores, outside refueling stations at convenience stores, manufacturing and industrial locations, non-profit service providers, homeless and emergency shelters, day cares, and medical facilities. Livestock auctions shall be permitted so long as there is sufficient space to practice social distancing.

SECTION 16. This Declaration requires all public facilities providing groceries, home improvement items, animal and household supplies, or pharmaceutical supplies to:

- (a) provide hand sanitizer at all entry points;
- (b) provide a process to ensure sanitized wipe down of all handles for grocery carts and baskets at all customer entry points;
- (c) enact and ensure social distancing for all customers at entry points, checkout lines and all other areas both inside and outside the facility at all times including prior to opening times;
- (d) post a list of all reasonable limits of purchases at all entry points; and

- (e) limit toilet paper purchases to 12 rolls or one package, whichever is greater, per person, per purchase.

SECTION 17. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.

SECTION 18. Nursing homes, retirement, and long-term care facilities are instructed to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

SECTION 19. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 20. That this Declaration hereby authorizes the use of all lawfully available enforcement tools.

SECTION 21. That this Declaration shall take effect immediately and, upon approval by the Commissioners Court, shall continue in effect until terminated by the County Judge. Pursuant to this Declaration, additional directives may be issued by the County Judge at any time as deemed necessary.

SECTION 22. Additionally, the Offices of the Johnson County Judge and the Local Health Authority instruct all Johnson County employees to remain at home if sick and follow the instruction provided by the Johnson County Human Resources Department or the Local Health Authority.

SECTION 23. The County of Johnson must promptly provide copies of this Declaration by posting on the Johnson County website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Declaration, 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 Declaration.

DECLARED THIS 23RD DAY OF APRIL, 2020, AT 2:15 PM

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Roger Harmon".

**ROGER HARMON
JOHNSON COUNTY JUDGE**

Social Distancing Recommendations

1) Vulnerable Populations: Limit Outings

- Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- For vulnerable populations, don't go to gatherings unless it is essential. If you can telecommute, you should. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

- Suspend nonessential employee travel.
- Minimize the number of employees working within six feet of one another, including minimizing or canceling large in-person meetings and conferences.
- Urge employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Consider use of telecommuting options.
- Some people need to be at work to provide essential services of great benefit to the community. They can take steps in their workplace to minimize risk.

3) Cancel Non-essential Events

- Cancel non-essential events.
- Do not attend any events or gatherings if sick.
- For events that aren't cancelled, we recommend:
 - Having hand washing capabilities, hand sanitizers and tissues available.
 - Frequently cleaning high touch surface areas like counter tops and hand rails.
 - Finding ways to create physical space to minimize close contact as much as possible.

4) Schools: Safety First

- Do not have your child attend school if sick.
- If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- Schools should equip all classrooms with hand sanitizers and tissues.
- Recommend rescheduling or cancelling events that are not essential.
- Explore remote teaching and online options to continue learning.

5) Transit: Cleaning and Protection

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.

6) Health Care Settings: Avoid as possible, protect the vulnerable

- Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Follow guidance and directions of all facilities.

7) Everyone: Do your part

The best way for all Johnson County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 20 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the possible disruption caused by an outbreak. Preparedness actions include:

- Prepare to work from home if that is possible for your job, and your employer.
- Make sure you have a supply of all essential medications for your family.
- Prepare a child care plan if you or a caregiver are sick.
- Make arrangements about how your family will manage a school closure.
- Plan for how you can care for a sick family member without getting sick yourself.
- Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.



EXHIBIT "A"

Guidance for Houses of Worship During the COVID-19 Crisis

During these challenging times, government and faith communities throughout Texas need to work together to love our neighbors and slow the spread of Coronavirus. To facilitate this collaboration, State and local governments must clearly articulate their directives aimed at mitigating spread of the virus. This updated joint guidance from the Office of the Attorney General and the Office of the Governor is the official guidance regarding the effect of Executive Order GA 16 on religious services conducted in churches, congregations, and houses of worship.

The government must give special consideration to houses of worship when issuing orders related to the COVID-19 crisis.

The First Amendment to the United States Constitution and Article I of the Texas Constitution protect the right of Texans to worship and freely exercise their religion according to the dictates of their own consciences. In addition, the Texas Religious Freedom Restoration Act ("RFRA") provides additional protections to faith communities, and government must ensure that it complies with RFRA when it acts, even during a disaster. Thus, when state or local governments issue orders prohibiting people from providing or obtaining certain services, they must ensure that these orders do not violate these constitutional and statutory rights.

Houses of worship provide "essential services."

By executive order, Governor Abbott has defined essential services to include "religious services conducted in churches, congregations, and houses of worship." Institutions providing these essential services can provide them under certain conditions described in Executive Order GA 16 and local orders by counties or municipalities that are consistent with GA 16. To the extent there is conflict between the Governor's Executive Order GA 16 and local orders, GA 16 controls. Local governments may not order houses of worship to close.

Houses of worship should conduct as many activities as possible remotely, and should follow federal guidelines when providing services in person.

Houses of worship should conduct as many of their activities as possible remotely. Services that houses of worship cannot conduct remotely should be conducted in accordance with guidance from the White House and the Centers for Disease Control and Prevention ("CDC").² For example:

¹ Exec. Order No. GA 16 at 3 (Apr. 17, 2020); see also Exec. Order No. GA 14 at 2 (Mar. 31, 2020) (superseded by GA 16).

² Ctr. for Disease Control, Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (Apr. 9, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/>

- Instruct sick employees, volunteers, and guests to stay home;
- Practice social distancing by maintaining appropriate distance between people;
- Maintain good hygiene by washing your hands frequently, using hand sanitizer, using your elbow to cover coughs, and not touching your face;
- Implement environmental cleanliness and sanitization practices; and
- Clean and disinfect work areas frequently.

Houses of worship, like providers of other essential services, are to follow additional guidance from the White House and CDC whenever possible. ³

Houses of worship should help slow the spread of the virus.

Texas is a big state and the transmission rate of COVID-19 varies in different communities. Texans also have big hearts and should love their neighbors by evaluating the rate of local community spread to determine the appropriate level of mitigation strategies to implement." Houses of worship play an important role in this effort, and can use their creativity to help slow the spread of the virus. For example, a church could hold "drive-in" style services. Or because Executive Order GA 16 permits drive-thrus to provide goods and services, a house of worship may, according to their faith practices, provide communion or a blessing through a similar drive-up service.

When conducting services, houses of worship may consider implementing the following practices:

- Encourage all attendees who are 65 and above to stay home and watch the services online, or provide a "senior service" exclusively for attendees 65 and above to attend in person.
- Ask all attendees who have an underlying at-risk health condition to stay home and watch the services online.
- Equip ushers and greeters with gloves and masks.
- Consider keeping child care closed, unless the house of worship can comply with CDC guidelines for child care facilities. ⁵

[community/guidance-business-response.html](https://www.dshs.texas.gov/coronavirus/#prevent); Tex. Dep't of State Health Servs., Prevention of COVID-19 (Apr. 17, 2020), <https://www.dshs.texas.gov/coronavirus/#prevent>; The President's Coronavirus Guidelines for America, 30 Days to Slow the Spread (Mar. 31, 2020), <https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20-coronavirus-guidance-8.5x11-315PM.pdf>.

³ CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>. Texas DSHS: <https://www.dshs.texas.gov/coronavirus/#prevent>.

⁴ CDC, People Who Are at Higher Risk for Severe Illness (Apr. 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>; *see also* CDC, Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (Mar. 23, 2020), <http://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>.

⁵ CDC, Guidance for Childcare Programs that Remain Open (Apr. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

- **Ensure all attendees sanitize their hands and put on a mask before entering the building.**
- **Ensure attendees sit with their family unit, use social distancing between each unit, and, if necessary, add more service times to facilitate distancing.**
- **Clergy should dismiss attendees by family unit, maintaining social distancing.**
- **Staff should sanitize seats and frequently touched surfaces between services.**
- **Consider refraining from passing collection plates and instead provide a central collection box in the building or encourage online giving.**
- **Consider how the sacraments can be administered without attendees having to touch the same surfaces and objects.**

These guidelines do not violate the religious liberty of houses of worship.

Under the extraordinary circumstances in which we temporarily live, these guidelines provide that houses of worship may remain open. The guidelines make only recommendations to houses of worship. They do not violate the religious liberty of houses of worship because the government has a compelling interest in recommending this guidance (stopping contagion) and the guidance is the least restrictive means of serving that compelling interest (allowing houses of worship to stay open for ministry, but suggesting ways that help slow the spread of COVID-19).