



FIFTH ORDER - DECLARATION OF LOCAL DISASTER
PUBLIC HEALTH EMERGENCY
KCDD - 5

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, The World Health Organization (“WHO”) declared a Public Health Emergency of International Concern on January 30, 2020 and Dr. Tedros Adhanom Ghebreyesus, WHO’s Director-General, declared the COVID-19 can be characterized as a worldwide pandemic on March 12, 2020; and

WHEREAS, I, Darrel L. Lux, Kendall County Judge, have issued several orders relating to and subsequent to the disaster declaration on March 16, 2020, certifying that COVID-19 poses an imminent threat of disaster for Kendall County, Texas; and

WHEREAS, Governor Abbott issued Executive Orders GA-16 and GA-17 addressing the re-opening of certain select activities and the creation of a strike force to address the reopening of Texas commerce; and

WHEREAS, I, Darrel L. Lux, Kendall County Judge, recognize the necessity for its citizens to be able to enjoy outside activities to the extent that they do not conflict with the Orders of the President or the Texas Governor; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the County Judge may declare a local state of disaster in and for the County and may exercise the powers granted therein on an appropriate local scale; and

WHEREAS, I, Darrel L. Lux, Kendall County Judge issued Order KCDD – 3, which closed Kendall County Parks and also closed river crossings at state and county roads to the public; and

WHEREAS, I, Darrel L. Lux, Kendall County Judge issued Order KCDD – 4, which opened Kendall County Parks (with the exception of children’s playground areas) and river crossings at state and county roads to the public; and

WHEREAS, I, Darrel L. Lux, Kendall County Judge now wish to open certain places to the public in accordance with the Texas Governor; and

WHEREAS, I Darrel L. Lux, Kendall County Judge have filed with DSHS, and Kendall County remains in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID- 19.

NOW, THEREFORE, I, Darrel L. Lux, Kendall County Judge, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a countywide basis effective 12:01 a.m. on May 1, 2020:

Every person in Kendall County shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at the following email address EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

In-store retail services, dine-in restaurant services, movie theaters, shopping malls, and museums and libraries, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent) of the total listed occupancy.

“Reopened services” shall consist of the following to the extent they are not already “essential services”:

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep.
2. Starting at 12:01 a.m. on Friday, May 1, 2020:
 - a) In-store retail services, for retail establishments that operate at up to 50 percent of the total listed occupancy of the retail establishment.
 - b) Dine-in restaurant services, for restaurants that operate at up to 50 percent of the total listed occupancy of the restaurant; provided, however, that (1) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (2) valet services are prohibited except for vehicles with placards or plates for disabled parking.
 - c) Movie theaters that operate at up to 50 percent of the total listed occupancy of any individual theater for any screening.

- d) Shopping malls that operate at up to 50 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed.
- e) Museums and libraries that operate at up to 50 percent of the total listed occupancy; provided, however, that (1) local public museums and local public libraries may so operate only if permitted by the local government, and (2) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
- f) Services provided by an individual working alone in an office.
- g) Golf course operations.
- h) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
- i) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. Notwithstanding anything herein to the contrary, the governor may by proclamation prohibit or limit reopened services, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in Kendall County.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation.

This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

People shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this Order.

This Order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, so

long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, 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 whenever possible.

In accordance with the Guidelines from the President and the CDC, 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 are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

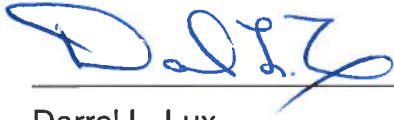
Essential services such as farms and ranches, grocery and drug stores, banks, and gas stations will continue to operate. Public swimming pools, bars, gyms, cosmetology salons, massage establishments, interactive amusement venues, such as bowling alleys and video arcades, and tattoo and piercing studios will remain closed through Phase I. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities must remain closed to visitors unless to provide critical assistance.

Joshua Springs Park, James Kiehl Riverbend Park, Comfort Park, and Kreuzberg Canyon Natural Area shall remain OPEN. Provided that there shall be no groups of more than five (5) people and all people shall observe social distancing and other precautions issued by the President and Governor. The children's playground areas at all parks shall remain closed. It is also recommended that face coverings be worn while at the parks.

Any violation of any Emergency Order issued under this DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY may result in a fine, not to exceed, \$1,000 or confinement in jail for a term, not to exceed, 180 days. In addition, the Kendall County Health Department may take action to enforce any Emergency Order issued under this DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY, including the issuance of citation and/or the suspension or revocation of a Kendall County Health Permit.

This Declaration supersedes all previous declarations and orders on this matter that are in conflict or inconsistent with its terms, and this Declaration shall remain in effect and in full force until rescinded or modified by the County Judge.

Given under my hand this the 29th day of April, 2020.



Darrel L. Lux
Kendall County Judge