

BEXAR COUNTY



EXECUTIVE ORDER NW-05 OF COUNTY JUDGE NELSON W. WOLFF
ISSUED APRIL 6, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Bexar County Judge Nelson W. Wolff declared a state of local disaster on March 13, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 18, 2020, the Bexar County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the “*Order of Continuation of Declaration*”);

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Bexar County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Order of Continuing Declaration;

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a declaration of public health disaster in and for the State of Texas and on March 19, 2020, the Texas Department of State Health Services issued a declaration of a public health disaster in the State of Texas for the first time since 1901;

WHEREAS, on March 18, 2020 the Bexar County Commissioners Court approved the Order of Continuation of Declaration and authorized the Bexar County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County;

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the mandates contained in the current declaration of the Mayor of the City of San Antonio (as extended or modified);

WHEREAS, by the authority vested in me as Bexar County Judge and as the Emergency Management Director for the County of Bexar to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

- I. Effective as of 11:59 p.m. on Tuesday, April 7, 2020, and continuing through 11:59 p.m. on April 30, 2020 in accordance with executive order GA 14 of Governor Greg Abbott, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:
 1. Subject to the definitions and further guidance set out in Subsection (i) below, that all persons currently residing within the incorporated and unincorporated territory of Bexar County are hereafter directed to stay at home (***“Stay Home Work Safe Measures”***). All persons may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined below) but must implement all social distancing requirements and adopt other mitigating measures. All public or private gatherings of any number of people occurring outside a single household are hereafter prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members within a household.
 2. With the exception of Exempted Businesses, as defined below, that all businesses operating within Bexar County are required to cease all activities at any facility located in the incorporated or unincorporated portions of Bexar County. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities at their own residences (i.e. working from home or operation of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.
 - (i) **Definitions of Exempted Business and Exempted Individual Activity:**
 - (a) For purposes of this Executive Order, **Exempted Activities** are defined as follows:

- i) **Health and Safety Activities.** For example, 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 food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.
- ii) **Necessary Supplies.** 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);
- ii) **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet; and/or
- iii) **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.

(b) For purposes of this Executive Order, **Exempted Businesses** are defined as follows:

- i) **Healthcare Services.** Business activity related to the providing or delivering of healthcare services. For example:
 - 1. hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, including veterinary services,
 - 2. healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers,
 - 3. blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals.
 - 4. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children.

Healthcare services do not include fitness and exercise gyms and similar facilities and do not include elective medical, surgical, and dental procedures
- ii) **Government Functions.** For example, business activity related to the operations or services provided by government for the continuing operation of the government or its agencies to provide for the health, safety and welfare of the public, including, but not limited to, public safety, solid waste collection, and utility operations.
- iii) **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and those companies engaged in science or engineering research and development.

- iv) **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, 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).
- v) **Transportation.** Business related to the operation, maintenance, construction, and manufacture of transportation services. For example:
 - 1. Vehicle manufacturers, automotive suppliers, car dealerships, parts distribution, maintenance and repair facilities
 - 2. Public transportation
 - 3. Businesses supporting airport operations
 - 4. Street and highway maintenance and construction
 - 5. Gas stations and other fuel distribution businesses
 - 6. Vehicles for hire including taxis and rideshare
- vi) **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- vii) **Food, Household Staples and Retail.** For example, food service and food distribution providers including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples. Businesses that ship or deliver groceries, food, goods or services directly to residences or provide for pick-up options, including restaurants. Notwithstanding the above exemption, all exempted food, household staples and retail establishments, including those doing pick-up/delivery shall:
 - i. Limit the amount of people at pickup or in an establishment so that social distancing may be maintained;
 - ii. Implement an organized line system where people are spaced at least 6 feet apart; and
 - iii. Post in a highly visible location, the establishment's guidelines that meet (a) and (b) above.

The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis may continue. Laundromats, dry cleaners, and laundry service providers and businesses that supply products needed for people to work from home are included in Household Staples Retail.

- vii) **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or other vulnerable individuals.
- viii) **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example,
 - 1. Hotels and other temporary residence facilities,
 - 2. Trash and recycling collection, processing and disposal,
 - 3. mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses,
 - 4. Plumbers, electricians, exterminators, moving services and other service providers who provide services to maintain the safety, sanitation, and operations of residences, and
 - 5. Professional services, such as legal or accounting services when necessary to assist in compliance with legally mandated activities, such as filing of taxes.
- ix) **News Media.** To include newspapers, television, radio, and other media services.
- x) **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and nontraditional lending businesses and service providers as well as companies providing insurance services and products.
- xii) **Childcare Services.** To include licensed childcare facilities, organizations, or individuals providing childcare services.
- xiii) **Worship Services.** Religious services conducted in churches, congregations, and houses of worship, but by remote audio, video, or teleconference whenever possible in accordance with Governor Greg Abbott's executive order GA 14 and the guidance provided by that office.
- xiv) **Funeral Services.** For example, funeral homes, crematoriums and cemeteries.
- xv) **CISA Sectors.** All businesses and industries listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 available at: https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Update_d.pdf
- xvi) **Other Essential Services.** Those services added to a list of essential services by approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in the executive order of Governor Greg Abbott and in any approved additions and those deemed as essential services by TDEM shall automatically be incorporated into this Executive Order.

3. That Bexar County rental property owners temporarily suspend evictions during the pendency of this Executive Order to prevent renters from being displaced due to the public health emergency.
4. That foreclosure proceedings within Bexar County be temporarily suspended during the pendency of this Executive Order to prevent the displacement of occupants during the public health emergency.
5. That the following restrictions, limitations or requirements shall apply to all parks, private and public recreational areas and golf courses as follows:

a. Bexar County Public Parks

- i. That County-owned community centers, civil centers, clubhouses, adult and senior centers (except for meal pick up), park badminton courts, ballfields, basketball courts, bocce ball courts, handball courts, outdoor exercise equipment, pickle ball courts, playgrounds, racquetball courts, skate plazas, splash pads, squash courts, tennis courts, and volley ball shall be closed to the public. These closures will remain in effect until this Executive Order NW-05 of the Bexar County Judge and the Texas Governor's Executive Order GA-14 are rescinded or expire.
- ii. Beginning at 11:59 PM on Friday, April 10, 2020 that all persons must vacate County parks and all County parks will be closed to the public until 5:00 AM on Monday, April 13, 2020. Park trails, linear parks, and greenways will remain open for walking, running, or biking as long as users consistently follow social distancing.

b. Private and Public Recreational Areas

- i. That all public and private recreational areas where social distancing and sanitizing requirements are difficult or impossible to meet, including community, school, apartment, private club and Home Owner Association, badminton courts, ballfields, basketball courts, bocce ball courts, handball courts, outdoor exercise equipment, pickle ball courts, playgrounds, racquetball courts, skate plazas, splash pads, squash courts, tennis courts, and volley ball courts be closed for the duration of this Executive Order.
- ii. Community, school, apartment, private club and Homeowner Association park trails, linear parks and greenways may remain open for walking, running, or biking as long as users consistently follow social distancing.

c. Golf Courses

- i. That all golf courses and driving ranges shall remain closed for golf or frisbee play until further notice.
6. That in order to reduce the risk of transmission of COVID 19 among vulnerable populations in long-term care facilities:
 - a. Any individual providing in-person services, or who is otherwise employed or staffs a long-term care facility (e.g. nursing home, or assisted living facility), and has direct patient contact shall be prohibited from working in, or visiting, more than (1) long-term care facility for any purpose as a result of the increased risk for transmission of COVID-19 to an at-risk population. This prohibition is based on the Centers for Disease Control and Prevention (CDC) identifying that staff members working in multiple long-term care facilities can contribute to intra- and interfacility spread of COVID-19. The prohibition shall extend to any agency or organization who employs individuals for purposes of staffing or on a temporary basis. Notwithstanding, this prohibition does not, and is not intended to, impact or restrict the ability of an individual, organization or entity to operate as an exempted business under the Order/Declaration of either the Texas Governor or the County Judge for Bexar County, but shall only restrict the ingress/egress and movement of persons into or out of more than one nursing home facility. Additionally, long-term care facilities should follow all additional CDC guidance to take proactive steps to protect the health of residents and preserve the health care workforce by identifying and excluding potentially infected staff members, restricting visitation consistent with the Governor's Executive Order, the Mayor's Fifth Declaration and the County Judge's Executive Order, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures; and
 - b. In accordance with executive order GA 08 of Governor Greg Abbott, people shall not visit nursing homes, retirement homes or long-term care facilities unless to provide critical services.
7. That the Bexar County Justice Center Complex shall have two points of access - one at the Paul Elizondo Tower at the Nueva Street entrance and one at the Bexar County Courthouse Bexar Heritage Center entrance - and that all other county-owned or leased buildings shall have a single controlled point of entrance. Further, all citizens and employees shall be appropriately screened before entering any Bexar County owned or leased building. At the control

points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a county-owned or leased facility. All social distancing measures must be implemented at the above-described control points.

8. That residents of Bexar County conduct essential Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.
9. That during the pendency of this Executive Order, no person or business entity (“Seller”) shall engage in price gouging by selling any of the following goods or services for more than the regular retail price the Seller charged for the goods or services on March 19, 2020, except where an increased retail price is the result of documented cost increases from suppliers or other similar cost increases (including the loss of supplier funds to support products):
 - 1) Groceries, beverages, toilet articles, ice;
 - 2) Restaurant, cafeteria, and boarding-house meals; or
 - 3) Medicine, pharmaceutical, and medical equipment and supplies.
10. That as of the date of this Executive Order and continuing for the remainder of the period of the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20-008, all courts within Bexar County restrict non-essential in person proceedings in accordance with this Executive Order and the Declaration of Public Health Emergency of the City of San Antonio. Section 9 of this Executive Order shall hereby be suspended as to this Section 7.
11. That due to the risk of a COVID-19 outbreak in the Bexar County Adult Detention Center:
 - a. I hereby direct that the Bexar County District Attorney’s Office, the Public Defender’s Office, the Office of Criminal Justice Policy, Planning & Programs, the District and County Clerks and the judiciary continue to work diligently together with the Bexar County Sheriff’s Office to identify persons whose charged offenses and backgrounds pose little to no risk to public safety and who may be eligible for pretrial release.

- b. I further direct that those offices and instrumentalities take appropriate action to provide for the immediate release of the individuals so identified in Section 11(a) above in accordance with any applicable law in order to mitigate the grave threat posed by a concentrated outbreak of COVID-19 in the facility.
- c. Under no circumstances shall this Executive Order be interpreted in a manner as to require or direct the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or any person currently arrested for such a crime that is supported by probable cause in violation of executive order GA 13.

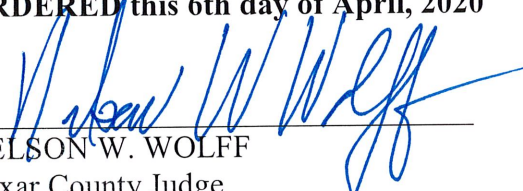
12. That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic and follow the current policies and procedures in place for isolation and quarantine.

13. That any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.

14. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.

- II. All provisions of the executive orders of Governor Greg Abbott either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

ORDERED this 6th day of April, 2020



NELSON W. WOLFF
Bexar County Judge