



JAN 08 2021

**Eddie Treviño, Jr.**  
County Judge

SYLVIA GARZA-PEREZ  
CAMERON COUNTY CLERK  
DOC No. Minutes Dept.  
By Lina Garza Deputy

**TWELFTH AMENDED EMERGENCY MANAGEMENT  
ORDER INCLUDING BAR CLOSURES AND LIMITATIONS  
ON GATHERINGS**

WHEREAS, pursuant to Texas Government Code Section 418.108, Cameron County Judge Eddie Treviño, Jr., declared a state of local disaster on March 16, 2020, due to the imminent threat arising from COVID-19; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 21, 2020, the Cameron County Commissioners Court approved Cameron County Commissioners Court Order Extending Coronavirus/COVID-19 Disaster Declaration; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the Cameron County Commissioners Court authorized the Cameron County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and DSHS, and by approval of the Cameron County Commissioners Court which authorized the Cameron County Judge to take such actions as are necessary in order to protect the health and safety of the citizens of Cameron County by the issuance of orders; and

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, as Cameron County opted in to allow bars and similar establishments to open at 50% capacity as allowed by GA-32 and TABC rules on October 17, 2020; and

WHEREAS on November 13, 2020, the Cameron County Judge issued the Eighth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on December 2, 2020, the Cameron County Judge issued the Ninth Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS on December 31, 2020, the Cameron County Judge issued the Tenth Amended Emergency Management Order Including Curfew and Limitations on Gatherings; and

WHEREAS on January 5, 2021, the Cameron County Judge issued the Eleventh Amended Emergency Management Order Including Limitations on Gatherings; and

WHEREAS, it is the intent of this Twelfth Amended Emergency Management Order Including Bar Closures and Limitations on Gatherings to continue mandatory facial coverings, and to remain as consistent and to harmonize with, to the extent possible, the executive orders of Governor Greg Abbott and the current declarations of the Mayors of the cities in Cameron County (as extended or modified); and

WHEREAS, by the authority vested in the County Judge and as the Emergency Management Director for the County to continue to protect the health and safety of the community and address the developing and rapidly changing circumstances when presented by the current public health emergency, he hereby issues this Twelfth Amended Emergency Management Order Including Bar Closures and Limitations on Gatherings; and

WHEREAS, the purpose of this Order is to reduce vulnerability of people and the community to injury and loss of life resulting from COVID-19; and

WHEREAS, hospital capacity is severely limited and the positivity rate for COVID-19 has risen significantly at the same time that health care staffing at Cameron County hospitals is severely overtaxed; and

WHEREAS, by letter dated January 7, 2021 DSHS notified Cameron County Judge Eddie Treviño, Jr. that Cameron County meets or exceeds the thresholds set out in GA-32 and is now an area of high hospitalization as a result of seven consecutive days in which the number of COVID-19 hospitalized patients as a

percentage of total hospital capacity exceeds 15 percent; and

WHEREAS, GA-32 mandates that any business establishment in an area qualifying as an area of high hospitalization which is subject to the 75 percent occupancy or operating limit is thereafter required to reduce occupancy levels from 75 percent to 50 percent and medical facilities in those areas may no longer perform elective surgeries;

WHEREAS, this Order is put in place for prompt and efficient care and treatment of persons victimized or threatened by COVID-19 through the authorization and provision for cooperation in disaster mitigation, preparedness, response and recovery thereby coordinating activities relating to disaster mitigation, preparedness, response, and recovery by federal, state, and local entities; and

WHEREAS, this order will provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by COVID-19; and

WHEREAS, failure to comply with any of Governor Abbott's Executive Orders issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000.00 and may be subject to regulatory enforcement; and

WHEREAS, pursuant to Texas Government Code Sec. 418.173(b) and the Cameron County Emergency Plan, it is an offense to violate a condition or restriction of any Order issued by the County Judge, during the public health disaster. Said offense shall be punished by a fine not to exceed \$500.00, except that the offense shall be punished by a fine not to exceed \$1,000.00 if it is shown on the trial of the offense that the person has been previously convicted an offense under Texas Government Code Sec. 418.173.

THEREFORE AND ACCORDINGLY PURSUANT TO THE TEXAS DISASTER ACT OF 1975, THE COUNTY JUDGE HEREBY ISSUES THIS TWELFTH AMENDED EMERGENCY MANAGEMENT ORDER INCLUDING BAR CLOSURES AND LIMITATIONS ON GATHERINGS AS FOLLOWS:

Effective as of 3:00 p.m. on Friday, January 8, 2021, (*"Effective Date"*), and continuing until Friday, February 5, 2021, at 12:01 p.m. unless extended, modified, or terminated early by the County Judge or as otherwise indicated below:

1. PUBLIC HEALTH EMERGENCY

- a. This Twelfth Amended Emergency Management Order continues the local disaster declaration and public health emergency for Cameron County for the period specified in this Order.
- b. This Order incorporates and adopts by reference all currently active orders issued/promulgated by the Governor relating to the COVID-19 disaster up to and including GA-32.

2. FACE COVERINGS - GENERAL PUBLIC

- a. All people 10 years or older shall wear a face mask covering their nose and mouth when in a public place or working in areas that involve close proximity with other coworkers.<sup>1</sup> Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Cameron County residents or visitors should continue to maintain social distancing of at least six feet while outside their home.
- b. IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS OR N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.
  - i. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.
- c. Face coverings do not need to be worn in the following circumstances:
  - i. When exercising or engaging in outside physical activities;
  - ii. While driving alone or with passengers who are part of the same household as the driver;
  - iii. When doing so poses a greater mental or physical health, safety, or security risk;
  - iv. While pumping gas or operating outdoor equipment; and
  - v. When actively consuming food or drink.
- d. BE ADVISED: Face coverings are a secondary strategy to other mitigation efforts. Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should

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<sup>1</sup> The CDC advises face coverings for people 2 years or older.

follow CDC recommendations for how to wear and take off a mask.

e. All people should:

- i. Wash their hands frequently before you leave and return home;
  - ii. Practice Social Distance by staying at least six feet away from others;
  - iii. Avoid touching nose, face, or eyes;
  - iv. Not use disposable masks more than three times; and
  - v. Wash reusable cloth masks regularly to prevent the spread of the virus.
- f. It is strongly recommended that people should Shelter-In-Place, not to leave their home unless conducting essential activities or performing essential services or essential travel;
- g. Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation. A citation under this provision does not absolve or limit the liability of a premise operator/owner for their obligations under other parts of this order.

### 3. AREA OF HIGH HOSPITALIZATION OCCUPANCY LIMITATIONS

The following occupancy limitations are hereafter mandated by GA-32 as a result of notification from DSHS that Cameron County is an area of high hospitalization. To the extent of a conflict between this Executive Order and the executive orders of Governor Greg Abbott, the occupancy limitations set out in executive orders GA-28, GA-30, and GA-32 apply;

A. No occupancy limitation (but should implement mitigating measures such as masks and social distancing):

- i. Any service listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce (including grocery stores, pharmacies, convenience stores, pet stores, Walmart/Target Superstores, gun stores, shooting ranges);
- ii. Religious services;
- iii. Local government operations;
- iv. Child-care services;
- v. Youth camps;
- vi. Recreational sports programs for youths and adults
- vii. Any public or private schools, and any public or private institutions of

- higher education, not already covered above;
- viii. Drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle;
- ix. With 6ft between each work station, cosmetology salons, hair salons, barber shops, nail salons, massage establishments or other facility where licensed massage therapists practice, and other personal care or beauty services such as tanning salons, tattoo studios, piercing studios, hair removal studios, and hair loss treatment or growth services.

B. 50% Occupancy limit (and required to implement the additional mitigating health and safety measures described below):

- i. Professional, collegiate, or similar sporting events
- ii. Swimming pools;
- iii. Water parks;
- iv. Museums and libraries;
- v. Zoos, aquariums, natural caverns, and similar facilities;
- vi. Rodeos and equestrian events;
- vii. Amusement parks and carnivals.

In addition to the occupancy limitations implemented above, any entity or organizer of any large gatherings or event which is subject to the 50% occupancy limitation, must implement a Health and Safety Policy which requires that all employees, visitors, or customers to the entity or organizer's premises or other facilities wear face coverings when in an area or performing an activity which all necessarily involve close contact or proximity to co-worker or the public where six feet of separation is not feasible, temperature/symptom screening, and protocols for maintaining social distancing during the gathering. These additional requirements for large gatherings or events subject to the 50% occupancy limitation shall be effective as of 11:59 PM on Monday, January 11, 2021. Failure to develop and implement the Health and Safety Policy required by this Executive Order may result in a fine not to exceed \$1,000 for each violation.

4. BARS AND SIMILAR ESTABLISHMENTS

- a. All bars and similar establishments that hold a permit from TABC and are not restaurants as defined in paragraph No. 6 of GA-32, may no longer offer on-premises service in Cameron County and must remain closed until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital

capacity is 15% or less. The required decertification form has been submitted to the Texas Alcoholic Beverage Commission (TABC) in accordance with GA-32.

5. RESTAURANTS AND RESTAURANTS THAT SERVE ALCOHOL

- a. All restaurants and restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated may only operate at up to 50 percent of the total listed occupancy of the restaurant until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less.

6. PUBLIC SCHOOLS

All public schools must adhere to Texas Education Agency guidelines available at <https://tea.texas.gov/>, Texas Department of Health Services guidelines available at <https://dshs.texas.gov/> and Centers for Disease Control guidelines available at <https://www.cdc.gov/>.

7. SOCIAL GATHERINGS

- a. No groups of more than 10 persons that are not members of a single family may assemble socially whether indoors or outdoors unless authorized by the Mayor of a city if within city limits or by the County Judge if in the unincorporated areas of the County.
- b. Except as provided in GA-30, GA-31 or GA-32 or in the minimum standard health protocols recommended by DSHS,<sup>2</sup> people should take care when gathering in groups including by required use of facial coverings and adhering to social distancing requirements and good hygiene practices.

8. CAMERON COUNTY ESSENTIAL BUSINESS

- a. All persons are encouraged to:
  - i. Conduct essential County business online or via regular mail; and
  - ii. Avoid visiting any County Building/Facility unless absolutely necessary.

9. NO OCCUPANCY LIMIT FOR LOCAL GOVERNMENT OPERATION

In accordance with Governor Abbott's Executive Orders there is no occupancy limit for local government operations, including county and municipal government operations relating to licensing (marriage licenses), permitting,

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<sup>2</sup> Found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).

recordation, document-filing services, or as determined by the local government (including but not limited to public foreclosure sales).

10. SEVERABILITY

The sections, paragraphs, sentences, clauses, and phrases of this Order are severable and if any phrase, clause, sentence, paragraph, or section of this 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 Order are severable.

11. INTERPRETATION AND ADDITIONAL TERMS

- a. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor.
- b. All provisions of the Governor's executive orders, 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 Order, enforceable and is set forth herein without necessity for the issuance of any further orders.

12. ENFORCEMENT


In accordance with the limitations contained in the executive orders of the Governor, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Twelfth Amended Emergency Management Order in accordance with the authority granted under the Texas Disaster Act of 1975 and the Cameron County Emergency Management Plan.

NOTE: IF THE NUMBER OF POSITIVE CASES SPIKES OR SURGES, THE COUNTY JUDGE RESERVES THE RIGHT TO RETURN TO A MORE RESTRICTIVE ORDER.

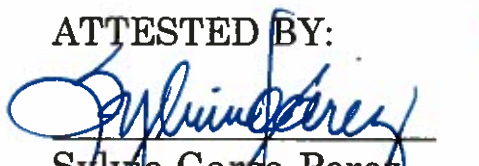
FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.



SO ORDERED this 8<sup>th</sup> day of January, 2021 at 3:30 p.m.

  
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Eddie Treviño, Jr.  
Cameron County Judge

ATTESTED BY:

  
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Sylvia Garza-Perez  
Cameron County Clerk