



Dallas County
BRIEFING / COURT ORDER
Commissioners Court - Emergency
Session - Jun 19 2020

- ☐ Resolution
- ☐ Solicitation/Contract
- ☐ Executive Session
- ☐ Addendum

**Supplemental Order of County Judge Clay Jenkins on Continuing Requirements
After Expiration of Stay Home, Stay Safe**

Briefing Date: Jun 19 2020
Funding Source:
Originating Department: County Commissioners
Prepared by: Clay Jenkins, County Judge
Recommended by: Clay Jenkins, County Judge

BACKGROUND INFORMATION:

Beginning in December, 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, spread through the world and has now been declared a global pandemic by the World Health Organization. On March 12, 2020, the County Judge of Dallas County proclaimed a Declaration of Local Disaster for Public Health Emergency ("Local Disaster Declaration") activating the Dallas County emergency management plan. Most recently, on June 16, 2020, the Commissioners Court of Dallas County voted to consent to the continuance of the Local Disaster Declaration, extending the Local Disaster Declaration until 11:59 p.m. on August 4, 2020.

The County Judge and Health Authority have determined that extraordinary measures must be taken to contain, mitigate, and prevent the spread of COVID-19 in Dallas County and to facilitate the efficient, rapid, and cooperative response to the emergency.

On April 3, CDC issued a recommendation for individuals to wear facial masks in public. Additionally, recent public health studies have shown that COVID-19 is spread primarily through airborne transmission. These studies have also shown that wearing of face masks is the most effective means to preventing the spread of COVID-19. In conjunction with other public health efforts, such as extensive testing and contact tracing, face masking has been shown to have the greatest impact on reducing COVID-19 spread.

Several local entities in Texas, including Bexar County, Hidalgo County, and the City of Austin, have implemented executive orders that require businesses to post a health and safety plan for employees and visitors that requires mask wearing, at a minimum. Several other entities are considering implementing such an order as well.

Section 418.108 allows county judges and mayors to issue orders in response to a declared emergency. Governor Abbott, in response to Bexar County's Order, has stated that county judges may issue emergency orders requiring business to implement a Health and Safety Policy that includes mandatory masking on their premises.

OPERATIONAL IMPACT:

The revised supplemental order, effective June 19, 2020 would require all commercial entities in Dallas County that provide goods or services directly to the public to develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible.

The Health and Safety Policy may also include the implementation of other mitigating measures designed to control or reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Order within five (5) calendar days following the Effective Date of this Order may result in a fine not to exceed \$1,000 for each violation.

Additionally this order states that all people 10 years or older shall wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Dallas County residents should continue to maintain social distancing of at least six feet while outside their home. Dallas County employees are also required to wear face coverings under the same circumstances as the general public.

Face coverings do not need to be worn in the following circumstances:

- i. When exercising outside or engaging in physical activity outside
- ii. While driving alone or with passengers who are party 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
- v. While in a building or activity that requires security surveillance or screening, for example, banks
- vi. When consuming food or drink

The revised order is consistent with Executive Order GA-26 issued by Governor Greg Abbott, that no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

LEGAL IMPACT:

The District Attorney's Office, Civil Division has reviewed the revised supplemental order.

SBE PARTICIPATION:

ADMINISTRATIVE PLAN COMPLIANCE:

This proposal complies with the Dallas County Administrative Plan's vision to make Dallas County a healthy community and keep Dallas County safe, secure, and prepared.

RECOMMENDATION:

Authorize the County Judge to execute a revised supplemental order, dated June 19, 2020.

MOTION:

On a motion made by TBD, and seconded by TBD, the following order will be voted on by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby
On a motion made by TBD, and seconded by TBD, the following order will be voted on
by the Commissioners Court of Dallas County, State of Texas: Be it resolved and
ordered that the Dallas County Commissioners Court does hereby authorize Judge
Jenkins to execute a revised supplemental order, dated June 19, 2020.

ATTACHMENTS:

[Proposed Supplemental Order on Continuing Requirements 06.19.20](#)



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SUPPLEMENTAL ORDER OF COUNTY JUDGE CLAY JENKINS ON CONTINUING REQUIREMENTS AFTER EXPIRATION OF STAY HOME, STAY SAFE

DATE ORDER ISSUED: June 16, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Dallas County Judge Clay Jenkins issued a Declaration of Local Disaster for Public Health Emergency on March 12, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

WHEREAS, on March 12, 2020, Judge Jenkins issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, the Declaration of Local Disaster for Public Health Emergency has been continued several times with the consent of the Dallas County Commissioners Court, most recently by Court Order No. 2020-0643 that extends the Declaration of Local Disaster until 11:59 p.m. on August 4, 2020, unless rescinded by order of the Commissioners Court.

WHEREAS, on March 24, 2020, the World Health Organization indicated that the United States has the potential to become the center of the COVID-19 pandemic;

WHEREAS, on April 27, 2020, Governor Abbott issued an Executive Order reopening certain businesses in Texas for in-person services so long as certain workplace safety rules are followed;

WHEREAS, this Supplemental Order is necessary to protect the lives, health, welfare, and safety of the County's residents from the devastating impacts of this pandemic;

THEREFORE, County Judge Clay Jenkins hereby ISSUES the following Supplemental Order as follows:

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, DALLAS COUNTY JUDGE CLAY JENKINS ORDERS:

1. Effective as of 11:59 p.m. on June __, 2020, ("Effective Date") and continuing until 11:59 p.m. on August 4, 2020:
 - a. All Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Recovery Payments to individuals shall be exempt from "garnishment" as that term is described in Chapter 63 of the Texas Civil Practice and Remedies Code, except for garnishment for child support payments. All CARE Act Payments shall remain exempt from garnishment when deposited into an account in a financial institution. This provision is enacted to ensure Dallas County residents can use their CARES Act Recovery



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Payments for their housing, food, medical and other essential needs during the COVID-19 emergency period.

- b. All public, private, and commercial laboratories operating within Dallas County and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period:
 - i. The number of COVID-19 tests performed; and
 - ii. The number of positive COVID-19 tests.

Reports shall be made to Dallas County Judge Clay Jenkins at Clay.Jenkins@dallascounty.org and Dallas County Health and Human Services Director Dr. Philip Huang at Philip.Huang@dallascounty.org. Reporting laboratories shall not provide names or any other identifiable health information that could be used to identify an individual patient.

- c. Employers shall not implement any rules making a negative COVID-19 test or a note from a healthcare provider a requirement before a COVID-19 recovered employee can return to work. This provision does not apply to hospitals or healthcare workers following the CDC's test-based strategy for return to work criteria for healthcare personnel with confirmed COVID-19.
- d. Under this Order, no person shall sell any of the following goods or services for more than the regular retail price the person charged for the goods or services on March 16, 2020, except where an increased retail price is the result of increased supplier or other costs (including the loss of supplier supporting funds):
 - i. groceries, beverages, toilet articles, and ice;
 - ii. restaurant, cafeteria, and boarding-house meals; and
 - iii. medicine, pharmaceutical and medical equipment, and supplies.
- e. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Dallas County for the next 60 days.
- f. 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, except for workers included in Essential Healthcare Operations who may continue to work in accordance with CDC guidance.
- g. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.



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- h. Public and private schools and institutions of higher education are instructed by this Order to provide a safety plan to Dallas County Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.
- i. Additionally, the Office of the Dallas County Judge and the Health Authority instructs all employees to remain at home if sick. Employees of private businesses and nonprofits with six (6) or more employees in the City of Dallas can use their paid sick leave when they are sick or to care for sick family members.
- j. From the Effective Date of this Order, all commercial entities in Dallas County providing goods or services directly to the public must develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees or visitors to the commercial entity's business premises or other facilities wear face coverings in an area or while performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Order may also include the implementation of other mitigating measures designed to control or reduce the transmission of COVID-19 such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Order within five (5) calendar days following the Effective Date of this Order may result in a fine not to exceed \$1,000 for each violation.
- k. All people 10 years or older shall wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Dallas County residents should continue to maintain social distancing of at least six feet while outside their home. Dallas County employees are also required to wear face coverings under the same circumstances as the general public. **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.** 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. Face coverings do not need to be worn in the following circumstances:
 - i. When exercising outside or engaging in physical activity outside
 - 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



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- v. While in a building or activity that requires security surveillance or screening, for example, banks
- vi. When consuming food or drink

Please note that 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 follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- i. Washing hand before you leave home and when you return
- ii. Staying at least six feet away from others
- iii. Avoiding touching nose or face
- iv. Not using disposable masks more than three times, and
- v. Washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

- l. This Order shall be in effect until 11:59 p.m. on August 4, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
- m. The County of Dallas must promptly provide copies of this Order by posting on the Dallas County Health and Human Services 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. 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.
- n. The Dallas County Sheriff's Office, the Dallas County Fire Marshal's Office, and other peace officers, are hereby authorized to enforce this Order. Except as otherwise provided in this Order, a violation of this Order may be punishable through criminal or civil enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000.

IT IS SO ORDERED

**CLAY JENKINS
DALLAS COUNTY JUDGE**