

STATE OF TEXAS §

COUNTY OF POLK §



**EXECUTIVE ORDER
ORDER TO STAY AT HOME
AMENDED AND EXTENDED**

FILED FOR RECORD
 2020 APR -2 PM 3:52
 Sydney Murphy
 POLK COUNTY CLERK

WHEREAS, on March 16, 2020 Polk County Judge Sydney Murphy signed a Declaration of a Local Disaster for the County of Polk, Texas Related to COVID- 19 pursuant to §418.108(a) of the Texas Government Code; and

WHEREAS, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, Governor Greg Abbott issued an Executive Order on Thursday, March 19, 2020 issuing orders for Texans to adhere to certain control measures and mitigation strategies:

WHEREAS, the Texas Commissioner of State Health Services declared a Public Health Disaster for the entire State of Texas on Thursday, March 19, 2020 and outlines certain control measures and mitigation strategies;

WHEREAS, on March 20, 2020 the Commissioners Court of Polk County voted unanimously to continue the State of Local Disaster related to COVID-19 until April 19, 2020, and further extensions are possible; and

WHEREAS, on March 25, 2020, I, Sydney Murphy, County Judge of Polk County, pursuant to Texas Government Code, Sections 418.108(d) and 418.108(g), issued an Executive Order to Stay Home which encompasses all areas inside the boundaries of Polk County, including the incorporated municipalities of Corrigan, Goodrich, Livingston, Onalaska, and Seven Oaks, Texas.

WHEREAS, on March 29, 2020, President Donald Trump extended the nationwide social distancing guidelines for an additional 30 days.

WHEREAS, on March 31, 2020, Governor Greg Abbott issued an Executive Order implementing Essential Services and Activities Protocols for the entire state of Texas and renews and amends his previous Executive Order issued on March 19, 2020 enforcing federal social distancing guidelines for COVID-19 through April 30, 2020.

WHEREAS, on April 2, 2020, I, Sydney Murphy, County Judge of Polk County, pursuant to Texas Government Code, Sections 418.108(d) and 418.108(g), hereby renew and amend this Executive

Order which encompasses all areas inside the boundaries of Polk County, including the incorporated municipalities of Corrigan, Goodrich, Livingston, Onalaska, and Seven Oaks, Texas.

WHEREAS, the Local Health Authority in Polk County has recommended the imposition of an order that Polk County residents stay at home unless traveling within the community is essential.

BE IT THEREFORE ORDERED BY THE COUNTY JUDGE OF POLK COUNTY:

1. Effective as of 11:59 p.m. on April 3, 2020, and continuing until 11:59 p.m. on April 30, 2020:

(a) All individuals currently living within Polk County are ordered to remain at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. 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 their residence. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.

(b) All businesses operating within Polk County, except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six foot social distancing for both employees and the general public.

(c) 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 Order prohibits the gathering of members of a household or living unit.

(d) Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.

(e) If religious services cannot be conducted from home, through remote services, or in the parking lots of the churches as parishioners remain in their vehicles, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing.

(f) All routine or elective non-life threatening medical, surgical, and dental procedures are prohibited anywhere in Polk County. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

(g) 7. All self-serve soda/beverage fountains in restaurants, grocery stores, convenient stores, and gas stations are ordered to close.

(h) CURFEW: A curfew shall be in place between the hours of 10 p.m. and 6 a.m. throughout Polk County for all individuals who are under the age of 18. This curfew does not apply if the individual under the age of 18 is accompanied by school personnel, a parent, or a guardian, or is travelling to and from their place of employment. These individuals shall not remain or travel upon any public or private property during the hours of curfew.

(i) It is the business/property owner's responsibility to ensure that any building which the public has access to is restricted from being occupied by more than 20% of the Maximum Occupancy requirements as set forth by the building code pertaining to their location. Maximum Occupancy signs shall be displayed to show the reduced number in these places. Persons must adhere to CDC and social distancing guidelines by keeping a minimum of 6 feet separation from each other.

2. Definitions:

a. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities":

i. 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).

ii. 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).

iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).

iv. To perform work providing essential products and services supporting an Essential Business or to otherwise carry out activities specifically permitted in this Order.

v. To care for a family member or pet in another household.

vi. To exercise a fundamental Constitutional right.

b. For purposes of this Order, "Essential Businesses" means:

i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare

operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective or routine non-life threatening medical, surgical, and dental procedures as established in accordance with Subsection 1(f) of this Order.

ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.

iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the U.S. Department of Homeland Security National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, 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), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.

iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, farmers' markets that sell food products and household staples. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. 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. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto supply, auto and bicycle repair, hardware stores, and related facilities. Businesses that supply products needed for people to work from home.

v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

vi. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with statutorily mandated activities (excluding daily operations of regular business). Businesses that supply other essential businesses with support or supplies needed to operate.

vii. **News Media.** Newspapers, television, radio, and other media services.

viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted.

3. Any manufacturer who retools so that a substantial part of their business is or will be producing medical supplies in response to COVID-19 shall be considered an "essential business" under this Order.

4. 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 Polk County for the next 60 days.

5. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home for 14 days until or unless otherwise directed by the Local Health Authority, Dr. Raymond Luna, by calling (936) 327-7147 or the Angelina County & Cities Health District by calling (936) 630-8500. Members of the household cannot go to work, school, or any other community function.

6. 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.

7. Hotels and RV Parks are not allowed to accept new occupants at this time.

8. Homeless shelters should follow all CDC Guidance released for homeless shelters.

9. The following services are now allowable under this Order: lawn service and maintenance, landscaping, pool cleaning and maintenance, and land clearing. Only one (1) person to a single cab pick-up truck is allowed. All CDC and social distancing guidelines must be followed.

10: The following services are also now allowable under this Order: pawn shops, pet grooming, residential cleaning, real estate services, and sign companies. Business must be conducted by appointment only and a social distance of 6 feet must be maintained. All CDC and social distancing guidelines must be followed.

11. Furniture stores can sell appliances and do maintenance on appliances, and sell health-related furniture and mattresses. All CDC and social distancing guidelines must be followed.

12. If your business or work is considered “Essential”, please provide a letter on business letterhead to Emergency Management at emergencymanagement@co.polk.tx.us for documentation and verification purposes. For a list of Essential Businesses (as classified by Homeland Security), please refer to the Polk County Facebook page/Website or Emergency Management Facebook page/website, or click the link below. A copy of the letter needs to be available in the individual’s vehicle or on their person. The letter must include the name or names of the businesses essential personnel.

<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce#download>

13. If your business has contacted TDEM for approval, a copy of the TDEM approval letter must be submitted to the Polk County Office of Emergency Management via email at emergencymanagement@co.polk.tx.us.

14. This Order shall be effective until 11:59 p.m. on April 30, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

15. The County of Polk must promptly provide copies of this Order by posting copies for public viewing in the same manner as publicly posted Commissioners Court agendas. 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.

Polk County citizens are strongly encouraged to keep up with and adhere to the ever-changing guidelines set forth by the CDC and DSHS with regards to the COVID-19 global pandemic. Go to [Coronavirus.gov](https://www.coronavirus.gov) for valuable information on this infectious disease. Please continue to look for local updates on the Polk County Emergency Management website (polkcountyoem.com) and the Polk County Emergency Management Texas Facebook page.


PENALTIES

In accordance with Government Code Section 418.108(h), after a declaration of local disaster by the County Judge, the jurisdiction and authority of the County Judge includes the incorporated and unincorporated areas of the County. Under Government Code 418.173, violations of the declaration of disaster and orders may be punishable by a fine not to exceed \$1,000 or imprisonment in the jail not to exceed 180 days.

IN WITNESS WHEREOF, I affix my signature this 2nd day of April, 2020.



Sydney Murphy, County Judge
Polk County, Texas



ATTEST: Schelana Hock
Polk County Clerk