



FILED FOR RECORD

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*Glenda Weston*  
GLENDA WESTON  
COUNTY CLERK  
HARDIN COUNTY, TEXAS

BY \_\_\_\_\_

## **EXECUTIVE ORDER OF COUNTY JUDGE WAYNE MCDANIEL**

### **ORDER TO STAY HOME, WORK SAFE!!**

#### **Executive Order Number WM-04**

**WHEREAS**, pursuant to Texas Government Code Section 418.108, Hardin County Judge Wayne McDaniel issued a Declaration of Local Disaster for Public Health Emergency on March 16, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and

**WHEREAS**, on March 16, 2020, Judge McDaniel issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus; and

**WHEREAS**, the ongoing evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 16, 2020 Order of County Judge Wayne McDaniel be amended; and

**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; and

**WHEREAS**, on March 20, 2020, the Hardin County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Hardin County Emergency Management Plan and extends the Declaration of Local Disaster for a period of not more than thirty (30) days from March 20, 2020, unless rescinded by order of the Commissioners Court.

**THEREFORE**, the March 22, 2020, Executive Order of Hardin County Judge Wayne McDaniel is hereby REPLACED by this Executive Order as follows:

**SUMMARY:** The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in Hardin County to stay at home, except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing. This Order takes effect at 11:59 p.m. on Friday, March 27, 2020 and will continue until 11:59 p.m. on Friday, April 10, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

**UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE, SECTION 418.108,  
HARDIN COUNTY JUDGE WAYNE MCDANIEL HEREBY ORDERS:**

1. Effective as of 11:59 p.m. on Friday, March 27, 2020, and continuing in full force until 11:59 p.m. on Friday, April 10, 2020:
  - a) All individuals currently residing within the boundaries of Hardin County, Texas including those who live within any of the five (5) incorporated municipalities, are hereby **ordered to stay at home**. 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, to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.
  - b) All businesses operating within Hardin County, Texas, 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 (see page 9), 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. Nothing in this Order affects Orders or Agreements regarding child-related visitation or custody arrangements.
  - 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) Gyms, recreational sports and fitness training centers, swimming pools, splash pad and other facilities that are used or intended to be used for any type of training, martial arts, sports or recreation shall close.
  - f) Hair and nail salons, spas, licensed massage businesses and tattoo parlors, tanning salons, concert halls, live performance theaters, arenas, stadiums, movie theaters, game rooms, businesses with 8-liners, bowling alleys, arcades, indoor and outdoor flea markets and swap meets, and bingo halls shall close. Indoor malls and shopping centers shall close unless the store has an individual exterior entrance.

- g) Religious and worship services may only be provided by video, teleconference or by parking lot services where attendees remain inside vehicles. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video, teleconference or parking lot services, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing.
- h) All elective medical, surgical, and dental procedures are prohibited anywhere in Hardin 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.

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 at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
- v. To care for a family member, pet or livestock in another household/location.

(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 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 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.

Visit the US Department of Homeland Security CISA website for more information on these critical infrastructure sectors, here: <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>

- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, liquor stores, gas stations and convenience stores, farmers’ markets that sell food products and household staples. **Only one member of a household can enter the following retailers at one time: Grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores, and farmers’ markets.** 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, delivery 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, automobile dealerships, auto-manufacturing and assembly, hardware and supply 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 or non-profits 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, yard and maintenance crews, housekeepers, janitorial staff, pool cleaners 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 legally mandated activities. Businesses that supply other Essential Businesses with support or utilities needed to operate. Caregivers and helpers who provide services to seniors and disabled individuals.
- vii. **News Media.** Newspapers, newspaper delivery, television, radio, and other media services.
- viii. **Childcare Services.** Childcare providers and facilities providing services that enable individuals exempted in this Order to work as permitted. To the extent possible, childcare providers and facilities must operate under the following mandatory conditions:
  - 1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day).
  - 2. Children shall not change from one group to another.
  - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
  - 4. Childcare providers shall remain solely with one group of children.
- ix. **Educational Institutions.** Educational institutions and educational publishing companies – including public and private K-12 schools, colleges, and universities – to include educators or other personnel for purposes of facilitating distance learning and remote instruction, performing critical research, or performing other essential functions, provided that social distancing of six feet per person is maintained to the greatest extent possible.
- x. **Transportation.** Businesses related to the operation, maintenance, construction, and manufacture of transportation services. For example, (a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors, maintenance and repair facilities; (b) businesses supporting airport operation; (c) street and highway maintenance and construction; (d) gas stations and other fuel distribution businesses; and (e) Public transportation by taxicab, buses, Uber, Lyft and similar modes of transportation and rideshare services.

3. Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators may apply for an “essential business” exemption 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 Hardin County for the next 60 days.

5. Due to the public health emergency, the Office of the Hardin County Judge hereby advises the Hardin County Justices of the Peace to suspend eviction hearings and writs of possession for at least the next 60 days to prevent renters from being displaced.

6. If someone in a household has tested positive for a Coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other private or public functions.

7. 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.

8. Additionally, the Office of the Hardin County Judge and the Local Health Authority instructs all employees to remain at home if sick. Effective April 2, 2020, Employees of private businesses and nonprofits with six or more employees in Hardin County can use their paid sick leave when they are sick or to care for sick family members, pursuant to the Families First Coronavirus Response Act: Employee Paid Leave Rights.

9. The Hardin County Courthouse will remain open with flexible staffing, however access to the Courthouse by the public will be significantly limited. Most services can be accessed by the public electronically or by mail. Therefore, in order to gain access to the Courthouse, it must be because of exigent circumstances and you must call the department head or elected official, whose department you wish to visit prior to coming, and, if granted entry, you must be escorted from the security screening area by someone from that department. THIS APPLIES TO ALL COUNTY OFFICES. Persons who are granted entry must agree to undergo a simple health screening protocol upon entering and, if the health screening indicates that they may pose a health threat, they may be denied entry.

10. A twenty-four (24) hour curfew shall be in place throughout Hardin County for all individuals who are under the age of 18 who are not currently enrolled in school. This curfew does not apply if the individual under the age of 18 is accompanied by school personnel, a parent, or a guardian. Persons under the age of 18 are allowed to travel to and from: Work, school, grocery stores, pharmacies, gas stations, parks, banks, and restaurants with the permission of their parent or legal guardian.

11. Due to circumstances present throughout Hardin County because of physical and respiratory distress of those who may be infected by the Coronavirus which creates a public safety hazard that would be exacerbated by outdoor burning, this activity is prohibited.

12. A person shall not sell any of the following goods or services for more than a reasonable price that is directly related to any increase in actual cost:

- a) groceries, beverages, toilet articles, ice;
- b) construction and building materials and supplies, earthmoving equipment and machinery;
- c) electrical and gas generating and transmission equipment, parts and accessories;
- d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- e) hand tools (manual and power), hardware and household supplies, and equipment rental;
- f) automotive parts, supplies and accessories;
- g) plumbing and electrical tools and supplies;
- h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- j) restaurant, cafeteria and boarding house meals;
- k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l) medicine, pharmaceuticals, medical equipment and supplies;
- m) blankets, quilts, bedspreads, bed liners, mattresses, bedsprings, bedsheets, bedsteads, towels and toilet paper; and
- n) furniture and clothing.

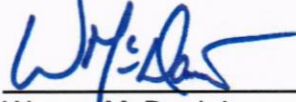
Citizens who suspect any business or person of price gouging should report that immediately to the Texas Attorney General for investigation: <https://www.texasattorneygeneral.gov/consumer-protection/disaster-and-emergency-scams/how-spot-and-report-price-gouging>

13. This Order shall be effective until 11:59 p.m. on Friday, April 10, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.

14. **Enforcement.** Pursuant to Texas Government Code, Section 418.173, Peace officers are hereby authorized to enforce this order. Any person who violates any provision of these regulations, upon conviction, is punishable by a fine of not more than One Thousand (\$1,000.00) dollars, or up to 180 days confinement in jail.

15. The County of Hardin must promptly provide copies of this Order by posting on the Hardin County 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.

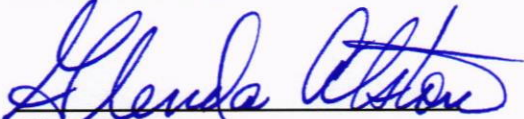
Given under my hand this the  
27 Day of March, 2020



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Wayne McDaniel  
**Hardin County Judge**

ATTESTED BY:



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Glenda Alston  
**Hardin County Clerk**



# **HCHHS Social Distancing Recommendations**

## **1) Vulnerable Populations: Limit Outings**

- Vulnerable populations include people who are:
  - 60 years old and older.
  - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease, and weakened immune systems.
  - For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

## **2) Workplace and Businesses: Minimize Exposure**

- Suspend nonessential employee travel.
- Ensure employees practice social distancing and do not work within six feet of one another.
- Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Maximize telecommuting options.
- Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

## **3) Cancel Non-essential Events**

- Cancel non-essential events.
- Do not attend any events or gatherings if sick.
- For events that aren't cancelled, we recommend:
  - Having hand washing capabilities, hand sanitizers and tissues available.
  - Frequently cleaning high touch surface areas like counter tops and hand rails.
  - Finding ways to implement social distancing.

## **4) Schools: Safety First**

- Do not have your child attend school if sick.
- If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- Schools should equip all classrooms with hand sanitizers and tissues.
- Recommend rescheduling or cancelling events that are not essential.
- Explore remote teaching and online options to continue learning.
- Schools should develop a plan for citywide school closures, and families should prepare for further closures.

## **5) Transit: Cleaning and Protection**

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- Ensure social distancing practices are implemented to the full extent possible.

**6) Health Care Settings: Avoid as possible, protect the vulnerable**

- Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Follow guidance and directions of all facilities.

**7) Everyone: Do your part**

The best way for all Hardin County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 20 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- Prepare to work from home if that is possible for your job, and your employer.
- Make sure you have a supply of all essential medications for your family.
- Prepare a child care plan if you or a caregiver are sick.
- Make arrangements about how your family will manage school closures.
- Plan for how you can care for a sick family member without getting sick yourself.
- Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products



## What does the Stay Home, Work Safe Order mean for my Community?

Our communities play a vital part in helping us stem the spread of COVID-19. This overview is not intended to be a complete list of business types that are impacted. Please note that this order is intended to be narrowly interpreted. Violations are subject to fines and up to 180 days in jail. Please seek legal counsel if you are unsure if a certain business, service, or function is considered essential. Other than Health Care services, all physical contact between providers and customers should be completely avoided.

## What is Open?

- Essential Government Functions
- Essential Businesses (see below)
- Restaurants that serve food by take out, delivery or drive-through
- Educational facilities that serve food by take out, delivery or drive-through
- Bars that serve food by take out, delivery or drive-through
- Micro-Breweries that serve food by take out, delivery or drive-through
- Micro-Distilleries that serve food by take out, delivery or drive-through
- Wineries that serve food by take out, delivery or drive-through
- Public Parks, but not Playground Equipment
- Open Outdoor Recreation Areas
- Laundromats / Washaterias (while observing social distancing)
- Religious and Worship Services by Video, Teleconference, and Drive-In Type Services

## What is closed, for now? (list is not exhaustive)

- Playground Equipment
- Gyms / Cross-Fit Facilities / Martial Arts Facilities
- Fitness Centers / Sports Training Facilities
- Public Swimming Pools and Splash Pads
- Sports and Recreation Training Facilities and Studios
- Hair and Nail Salons
- Spas

- Licensed Massage Businesses
- Tattoo Parlors
- Concert Halls
- Live Performance Theaters
- Arenas
- Stadiums
- Movie Theaters
- Game Rooms / Pool Halls
- Bowling Alleys
- Arcades
- Indoor and Outdoor Flea Markets and Swap Meets
- Indoor Malls, Unless the Individual Store has an Outside Entrance
- Bingo Halls
- Tanning Salons
- Picnics, Barbeques, Sand-Bar/Beach Parties or any Social Gatherings including more than 10 people
- Outdoor Burning of Debris or Waste

### **Essential Activities are:**

- Performing tasks essential to health and safety, including: obtaining medication or visiting a healthcare professional
- Obtaining supplies or services or delivery of those to others, including: Food, pet supplies, household products, work from home supplies
- Engaging in outdoor activity, while keeping social distancing
- Performing work providing essential products and services to an essential business
- Caring for a family member or pet in another household.

### **Essential Businesses include:**

- Critical Infrastructure as identified by the US Department of Homeland Security National Cybersecurity and Infrastructure Security Agency
- Essential Government Functions including law enforcement, and other services for the health, safety and welfare of the public
- Essential Healthcare Operations including hospitals, dentists, pharmacies, pharmaceutical and biotechnology companies, mental health providers, blood banks, home and residential based care for seniors, adults and children, veterinary and animal welfare operations, transportation for healthcare patients
- Essential Retail including grocery stores, warehouse stores, gas stations, convenience stores, food producers and service providers
- Providers of Basic Necessities to Economically Disadvantaged Populations

- Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses including: Trash and recycling collection, mail and shipping services, building maintenance and security, and funeral homes
- News Media and Newspaper Delivery
- Childcare and Adult Care Services
- Infrastructure, Development, Operation and Construction Services including public works construction, housing construction, commercial, manufacturing, oil refining, roads and highways, and telecommunications systems
- Transportation Businesses including car dealerships, parts distributors, maintenance and repair facilities, gas stations
- Labor Union Functions
- All Marine Ports
- Airports and related operations
- Professional services including legal, banking and financial institutions, accounting, insurance, and real estate services.
- Other businesses that are not listed but either are or support critical industries or services.