

**BRAZOS COUNTY  
BRYAN, TEXAS**

**2<sup>nd</sup> AMENDED BRAZOS COUNTY  
SHELTER IN PLACE ORDER UNDER  
COUNTY JUDGE DECLARATION OF LOCAL STATE OF DISASTER  
DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

**WHEREAS**, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

**WHEREAS**, on March 13, 2020, stating that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Brazos County, I, as Judge of Brazos County, issued a proclamation declaring a state of disaster for Brazos County, Texas;

**WHEREAS**, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code;

**WHEREAS**, the Governor has acknowledged that counties may need to enact more stringent measures to address this public health emergency;

**WHEREAS**, the Judge of Brazos County issued a Shelter in Place Order on March 23, 2020 and amended that Order on March 24, 2020;

**WHEREAS**, the Governor issued Executive Order GA 14 "Relating to statewide continuity of essential services and activities during the COVID-19 disaster" on March 31, 2020;

**WHEREAS**, the number of confirmed cases of COVID-19 in Brazos County and Texas continues to grow:

**NOW THEREFORE, BE IT ORDERED BY THE JUDGE OF BRAZOS COUNTY, TEXAS:**

**SECTION 1.** That this Amended Order under Declaration of Local State of Disaster Due to Public Health Emergency shall be given prompt and general publicity and filed with the County Clerk.

**SECTION 2.** That I, Duane Peters, County Judge of Brazos County, Texas, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19;

**SECTION 3.** That all individuals currently living in Brazos County, Texas, (the "County") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when outside their residence. All persons may leave their residences only for engaging in "Essential Services" as defined below.

**SECTION 4.** That all businesses with a facility in the County, except Businesses engaged in "Essential Services" as defined below, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined below. "Essential Services" Businesses shall comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

**SECTION 5.** All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in below. Nothing in this Amended Order prohibits the gathering of members of a household or living unit.

**SECTION 6.** All travel, except travel in the performance of "Essential Services" as defined below is prohibited.

**SECTION 7.** Definitions and Exemptions.

**ESSENTIAL SERVICES.**

For purposes of this Amended Order "Essential Services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in Churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM will be maintaining an online list of essential services as specified in Governor Abbott's Executive Order GA-14 and in any approved additions Citizens and Businesses can request additions to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

\*Businesses and Citizens are encouraged to visit the above websites to help them determine if the services they are engaging in are "Essential" or to request "Essential" designation through the Texas Division of Emergency Management (TDEM) if not otherwise listed.

**(Essential Services Include but are not limited to:)**

- Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Amended Order, including Minimum Basic Operations; and
- To care for a family member or pet in another household.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

**Essential Healthcare Operations**

For purposes of this Amended Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.

"Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

**Essential Infrastructure**

For purposes of this Amended Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, 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), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Amended Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Amended Order.

### **Essential Governmental Functions**

Nothing in this Amended Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Amended Order, to the extent possible.

For the purposes of this Amended Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

### **Essential Businesses**

For the purposes of this Amended Order, "**Essential Businesses**" means:

Healthcare Operations and Essential Infrastructure;

Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

Food cultivation, including farming, livestock, and fishing;

Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

Newspapers, television, radio, and other media services;

Gas stations and auto-supply, auto-repair, and related facilities;

Banks and related financial institutions;

Hardware and construction supply stores;

Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

Businesses providing mailing and shipping services, including post office boxes;

Laundromats, drycleaners, and laundry service providers;

Restaurants and other facilities that prepare and serve food, but only for delivery, drive through or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Amended Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.

**Note:** Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready—with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering will also cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided, it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This also applies to food trucks;

Businesses that supply products needed for people to work from home;

Businesses that supply other essential businesses with the support or supplies necessary to operate;

Businesses that ship or deliver groceries, food, goods or services directly to residences;

Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Amended Order;

Home-based care for seniors, adults, or children;

Residential facilities and shelters for seniors, adults, and children;

Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);

Childcare facilities providing services that enable employees exempted in this Amended Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

- Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day);
- Children shall not change from one group to another;

- If more than one group of children is cared for at one facility, each group shall be in a separate area and shall not mix with each other; and
- Childcare providers shall remain solely with one group of children;

Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, governmental employees who have not been specifically deemed non-essential and sent home by the government entity;

Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research;

Religious services provided in residences, healthcare operations, at funerals, or provided online while being broadcast from a religious facility.

### **Minimum Basic Operations**

For the purposes of this Amended Order, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined below, to the extent possible, while carrying out such operations:

The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and

The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

### **Essential Travel**

For the purposes of this Amended Order, "Essential Travel" includes travel for any of the following purposes:

Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;

Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

Travel to return to a place of residence from outside the jurisdiction;

Travel required by law enforcement or court order; or

Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Amended Order, residences include hotels, motels, shared rental units, and similar facilities.

### **Social Distancing Requirements**

For purposes of this Amended Order, "**Social Distancing Requirements**" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home.

When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in this Amended Order.

All public, private, and commercial laboratories operating within the County of Brazos and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Brazos County Health Department:

- the number of COVID-19 tests performed; and
- the number of positive COVID-19 tests.

Such laboratories shall not provide names or other individually-identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the County and mitigate and contain the spread of COVID-19.

All provisions of this Amended Order should be interpreted to effectuate this intent.

**SECTION 8.** Failure to comply with any of the provisions of this Amended Order constitutes an imminent threat to public health.

**SECTION 9.** In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Amended Order commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days. This Amended Order also authorizes the use of any other lawfully available enforcement tools.

**SECTION 10.** The County of Brazos must promptly provide copies of this Amended Order by posting it on the County of Brazos website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Amended Order is strongly encouraged to post a copy of this Amended Order onsite and to provide a copy to any member of the public asking for a copy.

**SECTION 11.** If any subsection, sentence, clause, phrase, or word of this Amended Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or

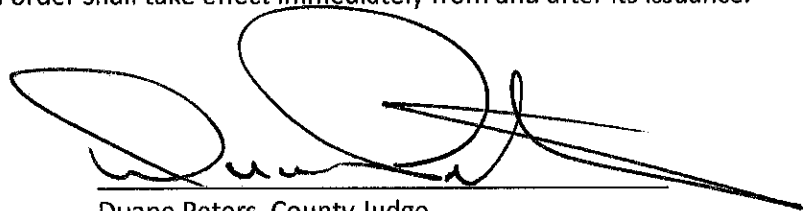
unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Amended Order.

**SECTION 12.** This amended order supersedes the prior Shelter in Place Order issued by the County Judge on March 23, 2020 and the Amended Shelter in Place Order issued by the Brazos County Judge on March 24, 2020.

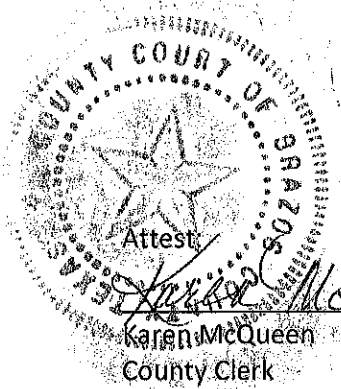
**SECTION 13.** That this amended order remains in effect through April 30, 2020 at 11:59 p.m., unless otherwise extended, modified or rescinded.

**SECTION 14.** That this amended order shall take effect immediately from and after its issuance.

**ORDERED** this 3rd day of April, 2020.



Duane Peters, County Judge  
Brazos County, Texas



Attest

  
Karen McQueen  
County Clerk