



AMY L. VERNELL  
CASS COUNTY CLERK

2020 APR -1 PM 1:25

FILED FOR RECORD

**FIRST AMENDED RENEWAL AND CONTINUATION OF  
DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH  
EMERGENCY FOR CASS COUNTY, TEXAS**

**WHEREAS**, on March 19, 2020, I, Becky Wilbanks, as County Judge of Cass County, Texas, issued a Declaration of Local Disaster Due to Public Health Emergency for Cass County, Texas (the "Declaration"), resulting from the global pandemic of COVID-19; and

**WHEREAS**, the conditions necessitating the aforesaid Declaration continue to exist; and

**WHEREAS**, pursuant to Texas Government Code §418.108(6), the Commissioners Court of Cass County, Texas (the "County"), on March 24, 2020, enacted the renewal and continuation of the Declaration; and

**WHEREAS**, pursuant to the consent granted by the Commissioners Court of Cass, County, Texas, on March 24, 2020, I, Becky Wilbanks, as County Judge of the County of Cass, Texas, issued a renewal and continuation of the aforesaid Declaration of Local Disaster Due to Public Health Emergency for Cass County, Texas; and

**WHEREAS**, since March 24, 2020, additional persons in Cass County, neighboring counties, and neighboring states have tested positive for COVID-19; and

**WHEREAS**, in his March 22, 2020, press conference, the Governor of the State of Texas acknowledged that counties and cities may need to enact more stringent measures to address this public health emergency; and

**WHEREAS**, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this First Amended Renewal and Continuation of the Declaration of Local Disaster and Public Health Emergency for Cass County, Texas; and

**WHEREAS**, this Order is issued based on evidence of increasing occurrences of COVID-19

within the County and throughout the Northeast Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and

**WHEREAS**, making the problem worse, some individuals who contract COVID-19 have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and

**WHEREAS**, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of COVID-19; and

**WHEREAS**, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed; and

**WHEREAS**, one proven way to slow the transmission of COVID-19 is to limit interactions among people to the greatest extent practicable; and

**WHEREAS**, by reducing the spread of COVID-19, this Order helps preserve critical and limited healthcare capacity in the County;

**NOW THEREFORE**, the March 19, 2020 Order of County Judge Becky Wilbanks is hereby **AMENDED** 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 Amended Order requires all individuals anywhere in Cass 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 Amended Order takes effect at 11:59 p.m. on Thursday, April 2, 2020 and will continue through April 30, 2020 at 11:59 p.m., unless otherwise extended or terminated by further order of the County Judge of Cass County.

**THEREFORE**, be it proclaimed by the County Judge of Cass County, that:

1. The Declaration of Local Disaster and Public Health Emergency issued for Cass County, Texas on March 19, 2020, pursuant to §418.108(a) of the Texas Government Code is hereby amended, renewed and continued.

2. Regardless of any other provision of the Amended Order, if a person residing in Cass County is being tested or has tested positive for COVID-19 (“COVID-19 patient”) or is a Person Under Investigation (“PUI”), that person plus all other individuals living at the same address of a COVID-19 Patient or PUI are urged to isolate at home until testing shows the COVID-19 Patient or PUI has either (i) tested negative, or (ii) is released back to work by a medical doctor. Individuals identified in this paragraph should not go to work, school, or any other community function until the COVID-19 Patient or PUI has either (i) tested negative, or (ii) is released back to work by a medical doctor, whichever occurs first. Nothing in this paragraph shall prevent any individual from seeking health care services or treatment for themselves or assisting any family member.
  - A. COVID-19 Patient includes an individual who (i) has tested positive or (ii) has been tested for COVID-19 and is still awaiting result.
  - B. Person Under Investigation (“PUI”) is defined as an individual who the local public health authority has reason to believe is or may be infected in accordance with Texas Health and Safety Code, Chapter 81, Subchapters D, E, & G, and has been informed that they are a “Person Under Investigation”.
  - C. This provision of the Amended Order in no way impedes the local public health authority or state public health authority from issuing or seeking any Control Measure Order under Texas Health and Safety Code, Chapter 81, Subchapter E.
3. This Declaration shall continue in effect until the Cass County Commissioners Court terminates its consent to the continuation of this Declaration or until this Declaration is terminated by order of the County Judge, whichever occurs first.
4. Pursuant to §418.108(c) of the Texas Government Code, this amended renewal and continuation of the Declaration issued on March 19, 2020, shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
5. Pursuant to §418.108(d) of the Texas Government Code, this amended renewal and continuation of the aforesaid Declaration continues to activate the Cass County Emergency Management Plan.
6. Pursuant to the continuation of the Declaration on March 24, 2020, the County Judge is authorized, without further action of the Commissioners Court, to exercise any powers, take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation §418.108 and §418.1015 of said chapter.
7. All officers and employees of the County, including without limitation all law enforcement officers employed by the County, are hereby authorized and directed to continue to cooperate to the fullest extent allowed by law with the health authority designated by the County pursuant to Chapter 121 of the Texas Health and Safety Code to enforce any and all

communicable disease control measures imposed by said health authority pursuant to Chapter 81 of the Texas Health and Safety Code or other applicable law.

8. All individuals currently living within Cass County, Texas (the “County”) are **ordered to shelter at their place of residence**. The phrase “shelter in place” is synonymous with “stay at home” or “continuation of essential services and activities” (reference GA-14 issued by Governor Abbott on March 31, 2020). 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 they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined in Section 11. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
9. All businesses with a facility in the County, except Essential Businesses or Locked Businesses as defined below in Section 11, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open; however, even Essential Businesses are encouraged to determine essential staff necessary to operate and to send non-essential staff home. To the greatest extent feasible, Essential Businesses or Locked Businesses shall comply with Social Distancing Requirements as defined in Section 11 below, including, but not limited to, when any customers are standing in line.
10. 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 Section 11. Nothing in this Order prohibits the gathering of members of a household or living unit.
11. All travel, except Essential Travel and Essential Activities as defined below in Section 11, is prohibited. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
12. Definitions and Exemptions:
  - 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 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;

- ii. 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;
- iii. To engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle. Except for member of a residence who are sheltering together, the individuals shall comply with Social Distancing Requirements as defined in this Section;
- iv. To perform work providing essential products and services at an Essential Business or Locked Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- v. To care for a family member or pet in another household.

Notwithstanding the foregoing permitted activities, 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.

- B. **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 service 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.
- C. **Critical 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”, which is defined as the 16 critical infrastructure sectors identified by the National Cybersecurity and Infrastructure Security Agency (CISA), 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), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that they work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible. See

<https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.

- D. **Emergency Personnel, Law Enforcement, and the Judiciary.** 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.
- E. **Essential Government Functions.** Nothing in this Amended Order shall prohibit any individual from performing or accessing “Essential Governmental Function”, 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 Government Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- F. **Schools.** While schools are closed to public attendance until May 4, 2020 per the Governor, nothing in this Amended Order shall restrict schools from the delivery or pick-up of meals, supplies, or homework assignments.
- G. **Covered Businesses.** 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.
- H. For the purpose of this Order, “Essential Businesses” means:
- i. Healthcare Operations and Essential Critical Infrastructure Workers;
  - ii. 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 maintain the safety, sanitation, and essential operation of residences.
  - iii. Food cultivations, including farming, livestock, and fishing;
  - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
  - v. Newspapers, television, radio, and other media services;
  - vi. Gas stations and auto-supply, auto-repair, and related facilities;
  - vii. Banks and related financial institutions;



- viii. Hardware and construction supply stores;
- ix. Firearms and ammunition manufacturer, sales, or repair;
- x. 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;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Laundromats, drycleaners, and laundry service providers;
- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery 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 Order on the condition that the food is provided to students or members of the public on a pick-up or 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;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- xvi. Businesses that warehouse, ship or deliver groceries, food, goods or services directly to residences;
- xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities and shelters for seniors, adults, and children.
- xx. Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);
- xxi. Childcare facilities providing services that enable employees exempted in this Order to work as permitted; provided, however, that to the extent possible, childcare facilities must operate under the following mandatory conditions: All Childcare must be carried out in accordance with guidelines provided by and under the direction of the Texas Department of Family and Protective Services,

or any other State or Federal regulatory agency or department;

- xxii. Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelter, governmental employees who have not been specifically deemed non-essential and sent home by the government entity;
  - xxiii. Janitorial and maintenance services, defense industry, space and technology industry, scientific research, and technology support;
  - xxiv. Mortuary services, including funeral homes, crematoriums, and cemetery workers.
  - xxv. Religious services conducted in churches, congregations and houses of worship, providing they comply with Social Distancing Requirements as defined by the Governor of the State of Texas, the Federal Government, and the CDC.
- I. **Locked Businesses.** For the purposes of this Amended Order, the term “Locked Businesses” means any business that: (i) operates with ten (10) or fewer employees, contractors, or subcontractors at any one time in a single physical facility; (ii) fully restricts public access to the inside of their business premises during the term of this Amended Order; and (iii) at all times, enforces Social Distancing Requirements among its employees, contractors, or subcontractors while they are performing services for the business at the business premises.
- J. **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 in this Section, to the extent possible, while carrying out such operations;
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions; and
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- K. **Essential Travel.** For the purposes of this Amended Order, “Essential Travel” includes travel for any of the following purposes:
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;
  - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;



- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of residence from outside the jurisdiction;
- v. Travel required by law enforcement or court order; or
- vi. 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 in this Section.

**L. Residences.** For purposes of this Amended Order, residences include single-family or multi-family residential structures, duplexes, hotels, motels, shared rental units, and similar facilities.

**M. 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.

- 13. 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.
- 14. 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 life, they should at all time reasonably possible comply with Social Distancing Requirements as defined in Section 11 above.
- 15. Sections 7 through 13 in this Order shall become effective at 11:59 p.m. Thursday, April 2, 2020, and shall continue in effect until 11:59 p.m. on Thursday, April 30, 2020.
- 16. All provisions of this Order should be interpreted to effectuate its intent.
- 17. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
- 18. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order commits an offense punishable by a fine up to \$1,000 and/or confinement in jail for a term that does not exceed 180 days, and each day or portion of a

day that such a violation continues shall constitute a separate offense.

19. The County shall promptly provide copies of this Amended Order by posting it on the County 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.
20. 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 of applications of this Amended Order.

ORDERED this 1, day of April 2020 at 1:20 p.m.

  
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BECKY WILBANKS  
CASS COUNTY JUDGE



FILED FOR RECORD  
APR -2 AM 11:17  
AMY L. VARNELL  
CASS COUNTY CLERK

BECKY WILBANKS  
Cass County Judge

P.O. Box 825  
Linden, Texas 75563

April 2, 2020

To Whom It May Concern,

Let it be known that this letter serves as an addendum to the FIRST AMENDED RENEWAL AND CONTINUATION OF DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY FOR CASS COUNTY, TEXAS which was filed April 1, 2020 at 1:25 p.m.

This addendum serves to correct the following clerical mistakes which are defined here in bold type:

Page 4; numbered Section 8; Line 8: "Essential Businesses, all as defined in **Section 12**"

Page 4; numbered Section 9; Line 2: "Businesses as defined below in **Section 12**, ..."

Page 4; numbered Section 9; Line 3: "located within the County except Minimum Basic Operations, as defined in **Section 12.**"

Page 4; numbered Section 9; Line 9: "Businesses shall comply with Social Distancing Requirements as defined in **Section 12...**"

Page 4; numbered Section 10; Lines 2 & 3: "living unit are prohibited, except for the limited purposes as expressly permitted in **Section 12.**"

Page 4; numbered Section 11; Line 1: "All travel, except Essential Travel and Essential Activities as defined below in **Section 12,...**"

Page 5; numbered Section iii; Line 2: "walking, hiking, running or riding a bicycle. Except for **members** of a residence..."

Page 9; numbered Section 14; Line4: "defined in **Section 12** above."

None of the clerical changes incorporated in this addendum change the meaning or intent of the document as presented and filed.

  
BECKY WILBANKS, CASS COUNTY JUDGE