



## **ORDER OF COUNTY JUDGE LINA HIDALGO**

### **Outdoor Gatherings Order**

**Whereas**, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to the novel coronavirus (COVID-19) and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

**Whereas**, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas and to thus take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

**Whereas**, in March 2020, the US Centers for Disease Control and Prevention (CDC) issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

**Whereas**, on March 15, 2020, the CDC issued guidance as to large events, explaining that gatherings offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

**Whereas**, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on March 19, 2020, after determining that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, Texas Department of State Health Services (DSHS) Commissioner John Hellerstedt issued the first Public Health Disaster Declaration released in the State of Texas since 1901; and

**Whereas**, on March 19, 2020, Governor Abbott issued Executive Order GA-08, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated on March 16, 2020 by President Donald J. Trump and the CDC, which called upon Americans to take actions to slow the spread of COVID-19 and prohibited Texans from gathering in groups of more than ten persons; and

**Whereas**, on March 19, 2020, the Harris County Judge issued an Order requiring that any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-ID; and

**Whereas**, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on March 24, 2020, the Harris County Judge issued a "Stay Home, Work Safe" Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow CDC guidelines on social distancing; and

**Whereas**, on March 31, 2020, Governor Abbott issued Executive Order GA-14, superseding Executive Order GA-08, implementing Essential Services and Activities Protocols through April 30, 2020 and expanding the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including limiting social gatherings and in-person contact with people other than those in the same household; and

**Whereas**, on April 3, 2020, the Harris County Judge amended and extended the Stay Home, Work Safe Order, effective April 4, 2020 through April 30, 2020; and

**Whereas**, on April 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

**Whereas**, on April 17, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

**Whereas**, on April 17, 2020, Governor Abbott issued Executive Order GA-16, which superseded Executive Order GA-14 and included the same social-distancing restrictions and other obligations for Texans according to federal guidelines that are aimed at slowing the spread of COVID-19; and

**Whereas**, on April 27, 2020, Governor Abbott issued Executive Order GA-18, which superseded Executive Order GA-16 and provided among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and to achieve the goals established by the President to reduce the spread of COVID-19; and

**Whereas**, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on April 28, 2020, the Harris County Judge issued an Amended Order regarding the Use of Face Coverings which, among other things, encourages individuals to continue to maintain social distance of at least six feet when outside their residences and in a public place; and

**Whereas**, on May 1, 2020, the Harris County Judge issued the County's Second Amended Stay Home, Work Safe Phased Reopening of Services Order; and

**Whereas**, on May 5, 2020, Governor Abbott issued Executive Order GA-21, which superseded Executive Order GA-18 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**Whereas**, on May 7, 2020, Governor Abbott issued Executive Order GA-22, which relates to confinement during the COVID-19 disaster;

**Whereas**, on May 8, 2020, the Harris County Judge issued the County's Third Amended Stay Home, Work Safe Phased Reopening of Services Order, which furthered the goals and policies of the State of Texas as set out in Executive Order GA-21; and

**Whereas**, on May 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

**Whereas**, on May 15, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State’s Public Health Disaster Declaration; and

**Whereas**, on May 18, 2020, Governor Abbott issued Executive Order GA-23, which supersedes Executive Order GA-21 and relates to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**Whereas**, on May 19, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to June 10, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on June 3, 2020, Governor Abbott issued Executive Order GA-26, which supersedes Executive Order GA-23 and relates to the expanded reopening of services in response to the COVID-19 disaster; and

**Whereas**, on June 9, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to July 1, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on June 11, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

**Whereas**, on June 26, 2020, Governor Abbott issued Executive Order GA-28, which supersedes Executive Order GA-26 and relates to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

**Whereas**, Governor Abbott’s Executive Order GA-28 recognizes that “due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, targeted and temporary adjustments to the reopening plan are needed to achieve the least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures”; and

**Whereas**, Governor Abbott’s Executive Order GA-28 states, “For any outdoor gathering in excess of 100 people, other than those set forth above in paragraph numbers 1, 2, or 4 [of the executive order], the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order”; and

**Whereas**, Governor Abbott’s Executive Order GA-28 provides that “failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement”; and

**Whereas**, on June 30, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency through August 26, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

**Whereas**, on July 2, 2020, Governor Abbott amended Executive Order GA-28 in response to the need for additional measures to slow the spread of COVID-19 in Texas; and

**Whereas**, amended Executive Order GA-28 prohibits most outdoor gatherings in excess of 10 people in unincorporated areas of a county with more than 20 COVID-19 cases unless the County Judge approves of the gathering;

**Whereas**, there have been far more than 34,000 confirmed COVID-19 cases in Harris County and 387 deaths as of July 2, 2020; and

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

**Whereas**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Harris County Community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread; and

**Whereas**, on June 26, 2020, the Harris County Judge elevated Harris County’s COVID-19 threat level to Level 1 (Red – “severe uncontrolled community transmission” presenting a severe threat to public health), given the rapidly accelerating outbreak in COVID-19 cases in Harris County and the resulting strain on local hospitals’ capacity and local public health departments’ testing and contact tracing capacity; and

**Whereas**, the County Judge has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

**Whereas**, a County Judge acts as the emergency management director for the county and serves as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

**Whereas,** a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, “may exercise the powers granted to the governor under this chapter on an appropriate local scale” in accordance with Section 418.1015(b) of the Texas Government Code; and

**Whereas,** a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

**Whereas,** a County Judge, serving as the Governor’s designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

**Whereas,** upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

**NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

**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 healthcare 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 encourages all individuals anywhere in Harris County, to stay at home – except to provide or obtain services as permitted under amended Executive Order GA-28. This Order takes effect upon signing and will continue through 11:59 p.m. on August 26, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below. This order is issued to further the goals and policies of the State of Texas as set forth in amended Executive Order GA-28 and is to be construed consistent with and in harmony with the terms of

such executive order.

1. Effective upon signing, and continuing until 11:59 p.m. on August 26, 2020:

Outdoor gatherings estimated to be in excess of 10 people are prohibited, consistent with amended Executive Order GA-28.

- a. This prohibition includes the gathering of people for sales of real property pursuant to Section 51.002 of the Texas Property Code, Section 34.01 of the Texas Property Tax Code, Section 34.041 of the Texas Civil Practice and Remedies Code on July 7, 2020 at the Bayou City Event Center.
- b. Exceptions to this prohibition include: 1) Any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce; 2) Religious services; 3) Local government operations; 4) Child-care services; 5) Youth camps; 6) Recreational sports programs for youths and adults; 7) Professional, collegiate, or similar sporting events; 8) Swimming pools; 9) Water parks; 10) Museums and libraries; 11) Zoos, aquariums, natural caverns, and similar facilities; 12) Rodeos and equestrian events; and 13) Amusement parks, *each as described in and with all limitations imposed by Executive Order GA-28*. Exceptions to this prohibition also include: 14) fireworks displays that were previously permitted and are viewed from inside a motor vehicle in the unincorporated areas of Harris County. This Order expressly prohibits individuals from viewing fireworks outside their motor vehicles in outdoor gatherings estimated to be in excess of 100 people in the unincorporated areas of Harris County.

2. This Order shall be effective until 11:59 p.m. on August 26, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

3. **Severability.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, 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.

4. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set

forth herein without necessity for the issuance of any further orders.

5. **Enforcement.** In accordance with the limitations contained in the executive orders of Governor Greg Abbott, any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975 (at Section 418.173 of the Texas Government Code) and pursuant to Appendix 9 to and Section V(A)(5)(a) Annex U of the Harris County Basic Plan adopted by Harris County Commissioners Court on October 29, 2019. Failure to agree to limit fireworks display to in-car observation only may result in either denial or revocation of the fireworks display permit.

6. **Posting.** Harris County will post this Order on the Internet.

**ORDERED** at 1:12 p.m. on this 3rd day of July, 2020, in the County of Harris, Texas.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Lina Hidalgo', is written over a faint, illegible printed name.

**LINA HIDALGO**

**HARRIS COUNTY JUDGE**