

ORDER OF COUNTY JUDGE LINA HIDALGO
County Judge's Fifth Order Authorizing Fever and Health Screening
and Requiring Face Coverings in County Buildings

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 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 US Centers for Disease Control and Prevention issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) 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, the Harris County Judge issued the first Order requiring that any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-19; 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 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 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 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 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 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 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, 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, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and by approving on June 9, 2020, extension of the Declaration of Local Disaster for Public Health Emergency, the Harris County Commissioners Court authorized the Harris County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Harris County by the issuance of executive orders as necessary (each, an “Executive Order”);

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, 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, 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.

Effective upon signing and continuing until 11:59 p.m. on August 26, 2020, unless terminated or modified by an earlier order, the County Judge of the County of Harris, Texas, deems it in the public interest to order the following:

1. Except for the circumstances outlined in Section 6 below:
 - a. Any person entering a building owned, occupied, or operated by Harris County may be screened for symptoms consistent with COVID-19 including but not limited to:
 - i. A fever screen for a temperature above 100.4 degrees Fahrenheit;
 - ii. A health screen for symptoms consistent with COVID-19;
 - iii. A travel questionnaire; and/or
 - iv. A screen for exposure to anyone with the above conditions.
 - b. Any person who exhibits symptoms consistent with COVID-19 may be denied entrance into the building.
 - c. Any person who refuses to submit to screening may be denied entrance into the building.

2. Except for the circumstances outlined in Sections 5 - 8 below, all people 10 years of age or older seeking entry into a Harris County owned, operated or occupied building shall wear a face covering over their nose and mouth when entering such building. Failure to wear an appropriate face covering will result in the person being barred from entry.
3. Appropriate face coverings may include, but are not limited to, face masks, homemade masks, scarfs, bandanas, or a handkerchief. **IT IS STRONGLY RECOMMENDED THAT PEOPLE NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.** Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment.
4. Except for the circumstances outlined in Sections 5 - 8 below, all people 10 years of age or older shall wear a face covering over their nose and mouth while inside a Harris County owned, operated or occupied building. Any person who removes his/her face covering after entering such building will be directed to leave the building. If that person refuses to do so, he/she will be removed from the building.
5. If a judge's courtroom is located in a courthouse with other county offices, that judge will determine whether face coverings must be worn in his/her courtroom and chambers. A court's orders regarding face coverings do not extend to the use of such face coverings in other areas of a Harris County owned, operated or occupied building.
6. The Texas Secretary of State has advised that voters cannot be denied entrance to a polling place for refusing to participate in the screening process. Voters may be required to use a separate entrance to the building, provided the entrance is ADA-accessible. If there is a line to enter the voting location, voters may also be directed to wait in a separate line for voters.
7. Voters are strongly encouraged, but not required, to wear face coverings in the polling place in order to protect the health and safety of voters, election workers, and local election officials and their staff. Polling locations have been supplied to ample masks to provide to voters who do not have one of their own. Voters who cannot or choose not to wear a mask should be encouraged to vote curbside. However, if a voter prefers to vote indoors, he/she must be allowed inside and should vote at a designated machine for his/her safety and the safety of other voters and poll workers. Reasonable social distancing measures may also be put into place for voters who are not wearing face coverings in the polling place.
8. A Harris County official or employee is not required to wear a face covering when alone in a room or office in a County building behind a closed door; in any area in a County building where he/she can easily keep six feet away from other people, and

does so; or in any area in a County building where he/she would not otherwise come into close proximity (*i.e.*, within six feet) of other officials, employees or the public.

9. This Order applies to any person entering a building owned, occupied, or operated by Harris County, and is intended to reduce the airborne transmission of COVID-19 and to thus protect all persons in such buildings. Compliance with this Order is voluntary. However, any person who refuses to wear a face covering or adhere to other protective measures in compliance with the terms of this Order will not be permitted to enter or remain in a Harris County owned, operated or occupied building.
10. 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, and in accordance with Tex. Gov't Code § 418.173, any law enforcement agency based in Harris County is hereby authorized to enforce this order by denying entry into or removing a person from a Harris County owned, operated or occupied building in accordance with the terms of this order.
11. Harris County will post this Order on the Internet. 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.

ORDERED at 9:13 p.m. on this 30th day of June, 2020, in the County of Harris, Texas.

IT IS SO ORDERED.



LINA HIDALGO
HARRIS COUNTY JUDGE