

**AMENDED EMERGENCY ORDER  
RELATED TO THE REOPENING OF SELECT  
SERVICES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

WHEREAS, pursuant to Texas Government Code Section 418.108, Mayor Henry Hinojosa issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to the imminent threat arising from the Coronavirus (COVID-19); and,

WHEREAS, Texas Government Code Section 418.108(b), authorizes Mayor Henry Hinojosa of the City of Mercedes to exercise powers granted under the Texas Disaster Act of 1975; and

WHEREAS, the on-going evaluation of circumstances related to the spread of the virus and the updated COVID-19 emergency orders issued by the Governor; and,

WHEREAS, under Section 418.018(f), the “Mayor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area”; and

NOW, THEREFORE, Mayor Henry Hinojosa of the City of Mercedes in conformity with the Governor of Texas’ May 6, 2020 statewide proclamation in effect through May 19, 2020, and subject to extension based on the status of COVID-19 in Texas and the recommendations of the Governor’s Strike Force to Open Texas, Coronavirus Task Force and the CDC.

In accordance with guidance from the Governor of the State of Texas and DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President, and to reduce the spread of COVID-19, every person in the City of Mercedes shall, except where necessary to provide or obtain essential services or reopened services, minimize gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

“Essential services” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, 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 maintains online list of essential services, as specified in Governor Abbott’s executive order and any approved additions.

Request for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) (mailto: [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov)) or by visiting the TDEM website at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

“Reopened services” consist of the following to the extent that they are not already “essential services;”

This Emergency Order is effective as of 11:59 p.m. on May 7, 2020, and continuing until May 14, 2020, or until either extended or terminated or modified by the City Commission of the City of Mercedes or other Order.

**ALL “ESSENTIAL SERVICES” AND “REOPENED SERVICES” IN THE CITY OF MERCEDES SHALL HAVE OBTAINED “WORK SAFE PLANS” FROM THE CITY OF MERCEDES’ EMERGENCY MANAGEMENT COORDINATOR ALLOWING THEM TO OPEN PRIOR TO PHYSICALLY OPENING THEIR DOORS TO THE PUBLIC, SUBJECT TO THE FOLLOWING:**

1. Retail services that may be provided through pick-up, delivery by mail, or delivery to the customer’s doorstep.
2. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
3. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that
  - a. this applies only to restaurants that have less than 51 percent of their gross sales receipts from the sale of alcoholic beverages;
  - b. the occupancy limits do not apply to customers seated in outdoor areas of the restaurant; and

- c. valet services are prohibited except for vehicles with placards or plates for disabled parking;
4. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening. Theaters are to impose the following minimum requirements:
- a. There should be at least two seats, or six feet, between households;
  - b. Every other row left empty;
  - c. Seats should also be sanitized between every screening;
  - d. The state guidelines for safely serving food at movie theaters must be implemented and Employees must:
    - (1) Be trained in proper hygiene and disinfecting techniques;
    - (2) Wash their hands regularly and social distance when possible;
    - (3) Facial masks are mandatory;
    - (4) Be screened for symptoms of the coronavirus daily;
    - (5) If someone is infected with COVID-19, they cannot come back to work until three days after they've medically released and/or complied with prevailing CDC guidelines for re-assimilation; and
    - (6) If an employee is around someone who tests positive, they must stay home for fourteen days or until 'medically released' and are not experiencing COVID-19 related symptoms.
5. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.

6. Public library may operate at up to 25 percent of the total listed occupancy; provided, however, that: any components of libraries that have interactive functions or exhibits, including child play areas, must remain closed.
7. Services provided by an individual working alone in an office, effective until 12:01 a.m. on Monday, May 18, 2020, when this single-person office provision is superseded by the expanded office-based services provision set forth below.
8. City of Mercedes, local government operations, relating to permitting, recordation, and document-filing services, are available by appointment or online. Walk-in's are discouraged and may be asked to return at a specific date and time to comply with CDC guidelines including social distancing.
10. Houses of Worship may reopen with mandatory minimum of two seats, or six (6) feet (social distancing) between households, every other row shall remain empty, chairs are to be disinfected between every service. Employees, and volunteers must:
  - a. be trained in proper hygiene and disinfecting techniques.
  - b. wash their hands regularly and social distance;
  - c. masks are strongly recommended;
  - d. be screened for symptoms of the coronavirus daily;
  - e. individuals infected with COVID-19 may not return to work until three days after they recover;
  - f. individuals who are around someone who tests positive must stay home for fourteen days or until 'medically cleared" and are not experiencing COVID-19 related symptoms; and
  - g. religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.
11. Wedding venues and the services required to conduct weddings; provided, however, that for weddings held indoors other than at a church, congregation, or house of worship, the facility may operate at up to 25 percent of the total listed occupancy of the facility.

12. Wedding reception services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility; provided, however, that the occupancy limits do not apply to the outdoor areas of a wedding reception or to outdoor wedding receptions.
13. Parks: HEB Park, and the Mercedes Sports Complex (near Dome) will re-open but only the paved walking trails and green areas; participants should wear facial masking and comply with six-foot social distancing rules. The children's play areas including swings, slides and playset areas shall remain closed until further order of the City.

NOTE: COLLIER PARK SHALL REMAIN CLOSED.

14. Starting at 12:01 a.m. on Friday May 8, 2020:
  - a. Cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; provided however, that all such salons, shops and establishments must ensure at least six feet of social distancing between operating work stations.
  - b. Tanning salons: provided, however, that all such salons must ensure at least six feet of social distancing between operating workstations.
15. The local public swimming pool will remain 'Closed' at this time, and until such time as the local governmental authority determines otherwise.
16. Starting at 12:01 a.m. on Monday, May 18, 2020:
  - a. Services provided by office workers in offices that operate at up to the greater of (i) five individuals, or (ii) 25 percent of the total office workforce; provided however, that the individuals maintain appropriate social distancing.
  - b. Manufacturing services, for facilities that operate at up to 25 percent of the total listed occupancy of the facility.

- c. Gyms and exercise facilities and classes that operate at up to 25 percent of the total listed occupancy of the gym or exercise facility; provided however, that locker rooms and shower facilities must remain closed, but restrooms may open.
17. Such additional services as may be enumerated by future executive orders or proclamations by the Governor of the State of Texas, the County Judge for Hidalgo County or the Mayor of the City of Mercedes may be added.
18. The total listed occupancy limits described above refer to the maximum occupant load set by local or state law, but for purposes of this executive order, staff members are not included in determining operating levels except for non-essential manufacturing providers and services provided by office workers.
19. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as increase in the transmission of COVID-19 or in the amount of COVID-19 related hospitalizations or fatalities.
20. In providing or obtaining essential services or reopened services, all persons (including individuals, businesses and other organizations, and any other legal entity) should use good-faith efforts and available resources to follow the minimum standards health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus). All persons should also follow, to the extent not inconsistent with DSHS minimum standards, the Guidelines from the President, and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer wishing to obtain services to follow additional hygiene measures.

21. People shall avoid visiting bars, massage establishments, tattoo studios, piercing studios, sexually oriented businesses, or interactive amusement venues such as bowling alleys, video arcades, amusement parks, water parks, or splash pads, unless these enumerated establishments or venues are specifically added as a reopened service by proclamation or future executive order of the governor. Notwithstanding anything herein to the contrary, the governor may by proclamation add to this list of establishments or venues that people shall avoid visiting. To the extent any of the establishments or venues that people shall avoid visiting also offer reopened services permitted above, such as restaurant services, these establishments or venues can offer only the reopened services and may not offer any other services. The use of drive-thru pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.
22. This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station; providing or obtaining other essential or reopened services; visiting swimming pools, parks, beaches, rivers, or lakes; hunting or fishing; or engaging in physical activity like jogging, bicycling, or other outdoor sport, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.
23. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through the guidance of the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.
24. In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year, except that a student (accompanied by an adult if needed) may, as allowed by the school consistent with the minimum standard health protocols found in

guidance issued by the Texas Education Agency (TEA), visit his or her school campus (a) for limited non-instructional administrative tasks such as cleaning out lockers, collecting personal belongings, and returning school items like band instruments and books; or (b) for graduating seniors, to complete post-secondary requirements that cannot be accomplished absent access to the school facility and its resources, excluding any activity or assessment which can be done virtually. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the minimum standard of health protocols found in guidance issued by the TEA. Private schools and institutions or higher education should establish similar standards to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by the TEA. Nothing in this executive order, the DSHS minimum standards, or the joint guidance issued and updated by the attorney general and governor precludes churches, congregations, and houses of worship from using school campuses for their religious services or other allowed services.

25. The Governor's executive order supersedes any conflicting order issued by the City of Mercedes in response to the COVID-19 disaster, but only to the extent that such local order restricts essential services or reopened services allowed by the Governor's executive order, allows gatherings prohibited by the executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. The Governor of the State of Texas has suspended Sections 418.015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
26. **The City of Mercedes may impose more stringent requirements as deemed necessary and retains the authority to enforce and to restrict**



operations within its extra territorial jurisdiction in order to secure and maintain public health and safety pursuant to Texas Government Code §§ 418 and 433.

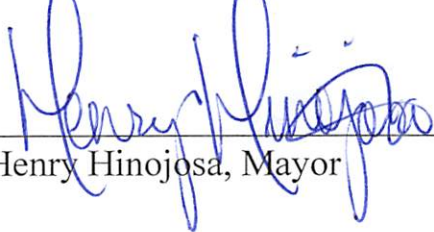
27. **INVOLUNTARY QUARANTINE.** People who are known to have, or are under investigation or monitoring, for COVID-19 must abide by direction provided to them by duly authorized persons, including public health officials. Failure to abide by such direction may result in involuntary quarantine or isolation for the purposes of preventing further community spread of COVID-19.
28. **ENFORCEMENT.** Any Peace Officer or other person with lawful authority, including but not limited to Mercedes Police Department, Mercedes Code Enforcement, Mercedes Fire Marshal's Office, the Hidalgo County District Attorney's Investigation's Office, and all other law enforcement partner agencies are hereby authorized to enforce the provisions of this order in accordance within the authority granted under Chapter 418 of the Texas Government Code. Any person violating this order may be subject to a fine not to exceed \$1,000 or confinement for a period not exceeding 180 days.
29. **PUBLIC NOTICE.** The City of Mercedes shall post this Order on its 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.
29. **SEVERABILITY CLAUSE.** If any subsection, sentence, clause, phrase or word of this Order or 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 rest of the order.
30. The Governor's executive order supersedes Executive Order GA-18, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, or GA-20. This executive order shall remain in effect and in full force until 11:59 p.m.

on May 14, 2020, unless it is modified, amended, rescinded, or superseded by the Mayor of the City Mercedes.

Given under my hand this the 7<sup>th</sup> day of May 2020.



**CITY OF MERCEDES, TEXAS**

  
Henry Hinojosa, Mayor

**ATTEST:**

  
Joselynn Castillo, City Secretary

Office of the Secretary of the State of Nevada  
Department of Public Safety

State of Nevada

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*[Handwritten initials]*