

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

RE-OPENING MERCEDES PHASE 1

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, on March 20, 2020, in accordance with Texas Government Code Section 418.108(b), the Mayor Henry Hinojosa and the City Commission of the City of Mercedes issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the City of Mercedes Emergency Management Plan and extends the Declaration of Local Disaster; and,

WHEREAS, Mayor Henry Hinojosa and the City Commission of the City of Mercedes through unanimous support, issued on April 3, 2020 an Emergency Shelter at Home Order; and,

WHEREAS, this order was supplemented by Mayor Henry Hinojosa's April 5, 2020, Emergency Order Instituting Additional Emergency Measures due to the COVID-19 Public Health Crisis, which implemented a Work Safe Plan for essential business; and,

WHEREAS, Governor Abbott, issued GA-18 and Hidalgo County Judge Richard Cortez issued Hidalgo County's Third Amended Emergency Order (20-004), Mayor Henry Hinojosa and the City Commission of the City of Mercedes pursuant to and in conjunction with GA-18 and EO 20-004 amend and continue the City of Mercedes' stay home/work home in place order; and

WHEREAS, the ongoing evaluation of circumstances involving the moderate to substantial spread of the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of Health Services warrant the previous emergency orders of the City of Mercedes be amended; and

WHEREAS, Mayor Hinojosa and the City Commission of the City of Mercedes have determined that extraordinary emergency measures continue to be necessary to mitigate this public health emergency, facilitate a cooperative response from the

citizens of Mercedes, and reopen business and industrial aspects of the City of Mercedes.

THEREFORE, PURUSANT TO THE AUTHORITY OF THE TEXAS DISASTER ACT of 1975, Mayor Henry Hinojosa and the City Commission of the City of Mercedes issues this Amended Emergency Order as follows:

EFFECTIVE AS OF 11:59 P.M. ON APRIL 30, 2020.

1. **Provisions of the previous Emergency Orders** shall remain in full force and effect except as modified herein.

2. **Retail service providers** that have obtained “work safe plans” from the City of Mercedes’ Emergency Management Coordinator will be authorized to open subject to the following:

a. **In-store retail services**, for retail establishments with an approved work safe plan may operate at up to 25 percent of the total listed occupancy of the retail establishment.

b. **Dine-in restaurant services**, for restaurants, with an approved work safe plan, may 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 receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission; and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.

c. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged.

d. **Movie theaters**, with an approved work safe plan may 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:

- (1) There should be at least two seats, or six feet, between households;
- (2) Every other row left empty;
- (3) Seats should also be sanitized between every screening;
- (4) The state guidelines for safely serving food at movie theaters must be implemented and Employees must:
- (5) Be trained in proper hygiene and disinfecting techniques;
- (6) Wash their hands regularly and social distance when possible;

- (7) Masks are mandatory;
- (8) Be screened for symptoms of the coronavirus daily;
- (9) If someone is infected with COVID-19, they can't come back to work until three days after they've recovered; and
- (10) If an employee is around someone who tests positive, they must stay home for fourteen days.

e. **Shopping malls**, with an approved work safe plan, may 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.

3. **Healthcare Providers**, in accordance with Governor Abbott's Executive Orders GA-15, Section 1(e) of Hidalgo County's Second Amended Emergency Order (20-003), the prohibition and/or suspension of elective medical, surgical and dental procedures suspended in compliance with GA-15. Licensed healthcare professionals and licensed healthcare facilities may seek additional guidance from the Texas Medical Board at www.tinb.state.tx.us/page/coronavirus#emergencyrules. Healthcare professionals are to file a work safe plan with the City's Emergency Management Coordinator.

4. **Public library**, with an approved work safe plan, 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.

5. **Travel**, for the purposes of this Order, and in addition to complying with Hidalgo County's SECOND AMENDED EMERGENCY ORDER (20-003) and/or any clarifications issued, Travel provisions shall permit persons to travel for the purposes of providing or obtaining Reopened Services in addition to Essential Activities.

6. **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 mandatory;
- 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; and
- f. individuals who are around someone who tests positive must stay home for fourteen days.

At risk populations are strongly encouraged to continue watching services online or to attend separate services or use designated areas for at-risk members. Services are to be conducted in accordance with Governor Abbott's GA-18, and in compliance with the joint guidance issued and updated by the attorney general and governor on April 27, 2020. See attorney general issued updated guidance on houses of worship.

7. **Parks**, HEB Park, and the Mercedes Sports Complex (near Dome) will re-open but only the paved walking trails and green areas; participants shall 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.

8. In accordance with Governor Abbott's Executive Order GA-19, this Amended 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, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, 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.

9. **SHALL REMAIN CLOSED**, people shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons as set out in accordance with Governor Abbott's Executive Order GA-18.

10. In accordance with Governor Abbott's Executive Order GA-18, 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 guidance from 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.

11. The conditions and limitations set forth above for reopened services shall not apply to essential services, and 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.

12. This Order shall be effective until it is either rescinded, superseded, or amended pursuant to applicable law. This Order supplements Mayor Henry Hinojosa and the City Commission of the City of Mercedes' previous Emergency Orders Instituting Subsequent Measures Due to a Public Health Emergency, and in the event of a conflict or apparent conflict between the Orders, this Order shall control.

13. 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.

14. PREVIOUS ORDERS. All provisions of Orders not in conflict with this Order remain in effect. The City of Mercedes adopts the current COVID-19 Emergency Orders executed by the Hidalgo County Judge, in compliance with Texas Government Code Section 418.014.

15. 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.

16. 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.

17. 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.

ORDERED this the 30th day of April 2020.



ATTEST:

A handwritten signature in black ink, appearing to read "Joselyn Castillo".

Joselyn Castillo, City Secretary

CITY OF MERCEDES, TEXAS

A handwritten signature in black ink, appearing to read "Henry Ninojosa".
Henry Ninojosa, Mayor