

FIRST AMENDMENT TO LOCAL EMERGENCY DIRECTIVE

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from very mild (including some with no reported symptoms) to severe, including illness resulting in death; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency, and the Mayor of the City of El Paso declared a local state of disaster in relation to COVID-19; and

WHEREAS, on March 17, 2020, the City Council of El Paso adopted an Emergency Ordinance extending the City's state of disaster and instituting emergency measures due to a public health emergency; and

WHEREAS, the City's Emergency Ordinance authorizes the Emergency Management Director or designee to update, restrict, and promulgate regulations necessary to comply with Federal, State and Local authorities' guidance in relation to COVID-19; and

WHEREAS, the City of El Paso Department of Public Health Authority has issued various COVID-19 Prevention Orders in an effort to mitigate and slow down the spread of disease in El Paso City-County; and

WHEREAS, pursuant to Texas Government Code §418.1015(a) and Chapter 2.48.010 of the El Paso City Code, the Mayor serves as the office of emergency management director for the City of El Paso (the "City"); and

WHEREAS, El Paso City Code Section 2.48.020 authorizes the emergency management director to issue necessary proclamations, regulations or directives, which are necessary for the protection of life and property in the City; and

WHEREAS, Section 418.1015(b) of the Texas Government Code authorizes the emergency management director to serve as the governor's designated agent in the administration and supervision of duties under Chapter 418 of the Texas Government Code and exercise the powers granted to the governor on an appropriate local scale; and

WHEREAS, on March 31, 2020, the Governor of the State of Texas issued Executive Order No. GA-14 ("GA-14") implementing Essential Services and Activities Protocols for the entire State of Texas; and

WHEREAS, GA-14 protocols allow exceptions for essential activities and services based on the Department of Homeland Security’s guidelines on the Essential Critical Infrastructure Workforce; and

WHEREAS, on March 28, 2020, the Director of Cybersecurity and Infrastructure Security Agency issued a Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response which states that local governments are responsible for implementing and executing response activities and that officials should use their own judgment in issuing implementation directives and guidance; and

WHEREAS, GA-14 suspended Sections 418.1015(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, only to the extent necessary to ensure that local officials do not impose restrictions inconsistent with the same, and provided that local officials may enforce GA-14, as well as other local restrictions that are consistent with GA-14; and

WHEREAS, in order to protect the life and health of local residents, a temporary work safe stay home directive is necessary to further curb the spread of COVID-19; and

WHEREAS, on March 24th, 2020, the Mayor issued a local emergency directive more commonly known as the “Work Safe, Stay Home” Directive; and

WHEREAS, the Mayor now desires to amend the March 24th, 2020 Directive in its entirety to read as follows:

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EL PASO:

SECTION 1. Stay at Home or Place of Residence. All individuals living within the City of El Paso are directed to temporarily stay at home or at their place of residence. Effective Wednesday, April 1st, 2020 at 11:59 PM MST, unless terminated or modified by a subsequent Directive, the Mayor of the City of El Paso, deems it in the public interest to issue this Directive, and directs that all individuals currently living within the City of El Paso stay at home or at their place of residence except as allowed by this Directive. To the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain **Social Distancing** of at least six feet from any other person, consistent with the **Social Distancing Requirements**, as defined in this Section. All persons may leave their residences only to perform certain Essential Activities, to perform work in an Essential Business, Government Service, or in Critical Infrastructure, or to engage in Essential Travel or Minimum Basic Operations all as defined herein.

Social Distancing Requirements. For purposes of this Directive **Social Distancing Requirements include 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 with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.**

SECTION 2. Prohibited Activities. All public and private gatherings of any number of people occurring outside or inside a single household or dwelling unit are prohibited, except for the limited purposes as expressly permitted by this Directive. Nothing in this Directive prohibits the gathering of members of a household or dwelling unit. Nursing homes, retirement and long-term care facilities are to prohibit non-critical assistance visitors or providers, as determined through the guidance from the Texas Health and Human Services Commission.

The following describes outdoor areas and activities that are not permitted: all City parks, pools and recreational areas and facilities, including parks, hike and bike trails, whether formally recognized by the City or not; including, but not limited to any golfing in public or private courses; any gathering in school recreation areas, tennis clubs, and any other private recreational club; the area near Socorro Independent School District Student Activities Complex (“SAC”) located near 1300 Joe Battle Boulevard; all to include the use of any type of recreational vehicle at any outdoor area listed in this paragraph. For clarity, any public or private gatherings at any recreational area, park, pool, or recreational facility is prohibited.

Hiking in the Franklin Mountains is strongly discouraged, as responding to calls to aid lost, stranded and injured hikers detracts from critical resources needed to address the local spread of COVID-19.

SECTION 3. Prohibited Travel. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except for purposes of Essential Travel, performing Essential Activities or going to work in an Essential Business, Government Service, or Critical Infrastructure, as defined in Section 5 below, is prohibited. To the greatest extent feasible, people riding on public transit shall comply with **Social Distancing Requirements** as defined in Section 1. Notwithstanding anything to the contrary, if someone in a household has tested positive for COVID-19, or is awaiting results of a COVID-19 test, the household is ordered to isolate. Members of the household cannot go to work, school or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities. Individuals experiencing homelessness who have tested positive for COVID-19, or are awaiting results of a COVID-19 test, pursuant to the control measures ordered by the El Paso Public Health Authority, shall be required to comply with the orders to stay isolated. Except for Healthcare Operations in Section 5(c), individuals having traveled 100 miles or more outside the City must upon return to El Paso self-quarantine for a period of 14 days.

SECTION 4. Non-Essential Business and Operations Must Cease. All non-essential businesses or operations with a facility in the City of El Paso are required to cease all activities within the City except Minimum Basic Operations as defined in Section 6 below. Except as set forth in this Section, Non Essential Businesses may only continue operations via telecommuting (i.e., working from home).

SECTION 5. Permitted Activities & Functions. All of the following activities and functions are permitted. To the greatest extent feasible, these activities and functions shall comply **with Social Distancing Requirements** as defined in Section 1 and by all applicable orders. This Section also sets forth certain exemptions which shall also be permitted.

- a. **Essential Activities.** For purposes of this Directive, individuals may leave their residence only to perform any of the following “Essential Activities.” However, 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.

- i. **For Health and Safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of others (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional;
 - ii. **For Necessary Supplies and Services.** 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, groceries and food, including pet supplies and food, drinks, supplies they need to work from home, household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences. It is recommended that one member per household obtain the necessary services or supplies for the entire household;
 - iii. **For Outdoor Activity.** To engage in outdoor activity to promote individual health, such as, by way of example biking, walking, or running provided the individuals comply with **Social Distancing Requirements** as defined in Section 1.
 - iv. **For Certain Types of Work.** To perform work providing essential products and services at an Essential Business, Government Service, or Critical Infrastructure, or to otherwise carry out activities specifically permitted in this Directive, including Minimum Basic Operations; or
 - v. **To Take Care of Others.** To care for a friend, child, the elderly, sick or dying, family member or pet in another household;
 - vi. **To Seek Safe Residence.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence. Individuals who are homeless are urged to find shelter as possible.
- b. **Essential Travel.** For the purposes of this Directive, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all **Social Distancing Requirements** as defined in Section 1.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Critical Infrastructure, or Minimum Basic Operations;
 - ii. Travel to care for or transport the elderly, minors, dependents, persons with disabilities, or other vulnerable persons, pets or livestock;
 - 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, including an administrative court order;
 - vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel;
 - vii. Travel engaged in interstate commerce and otherwise subject to the provisions of the Commerce Clause of the United States Constitution.
- c. **Healthcare Operations.** For purposes of this Directive, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, outpatient care centers, offices of other healthcare practitioners, medical and diagnostic laboratories, other ambulatory healthcare services, general medical and surgical hospitals, specialty hospitals, medical research, laboratory services, nursing care facilities, residential facilities for individuals with an intellectual disability, mental health or substance abuse treatment, psychiatric and substance abuse providers, vocational rehabilitation services, assisted living centers, hospice providers, clinics, dentists, physical and occupational therapy offices, pharmacies, research, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, and related retail sales 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 or other similar facilities. In accordance with the Governor Abbott’s orders issued on Sunday, March 22, 2020 healthcare operations do not include elective medical, surgical, and dental procedures. **All Healthcare Operations Employers are required to conduct regular health checks of its employees, either temperature checks or respiratory screenings; when feasible, employees should comply with Social Distancing Requirements, employers shall when possible, stagger work schedules, encourage regular handwashing and use of hand sanitizer.** These requirements shall be viewed broadly to avoid any impact to the delivery of healthcare;
- d. **Critical Infrastructure.** For purposes of this Directive, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Critical Infrastructure,” including, but not limited to, public works, construction personnel, and personnel listed on the Department of Homeland Security’s Cybersecurity and Infrastructure Agency (CISA) list of “Essential Critical Infrastructure Workers,” public works construction.
- i. The following also constitute critical infrastructure: airport operations, water, sewer, gas, electrical, oil refining, oil and gas extraction, coal mining, metal ore mining, nonmetallic mineral mining and quarrying, roads and highways, public transportation, solid waste collection and removal, hazardous materials, internet, cable, wireless and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business

infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with **Social Distancing Requirements** as defined in Section 1, to the extent possible. This also includes wired telecommunication carriers, wireless telecommunications carriers (except satellite), telecommunications resellers (except retailers selling devices at physical locations are not permitted), satellite telecommunications, cable and other program distribution, other telecommunications, data processing, hosting and related services, and other information services.

- ii. The following types of construction activities are permitted to include but not be limited to the following: residential and commercial construction, non-residential building construction, heavy and civil engineering, foundation, structure, and building exterior contractors, building equipment contractors, and building finishing contractors. This Directive shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020 to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated here by reference.

All employers involved in construction activity must institute or comply with following at all job sites:

- a) **Comply with Social Distancing Requirements;**
- b) **Institute staggered shifts;**
- c) **Provide one (1) working flushing toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every ten (10) workers on site;**
- d) **Provide onsite handwashing stations and portable restrooms stocked with hand soap and/or hand sanitizer with at least 60% alcohol;**
- e) **Mandate handwashing of at least twenty (20) seconds for workers during the following:**
 - 1. **Before workers begin work;**
 - 2. **After workers remove gloves;**
 - 3. **Before and after the use of shared items such as tools or multi-user devices;**
 - 4. **Before and after any meal or restroom breaks; and**
 - 5. **After a worker's shift or work time ends.**
- f) **Provide mandatory rest breaks of at least fifteen (15) minutes for every four (4) hours worked so workers may follow hygiene guidelines;**
- g) **Take no adverse action against an employee who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus;**
- h) **Perform mandatory temperature checks before a worker leaves home. If a worker has a fever of greater than 100 degrees**

Fahrenheit, then they are prohibited from going to work and must remain at home;

- i) Limit crossover of subcontractors;**
- j) Prohibit gatherings during meals or breaks;**
- k) Keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;**
- l) Do not use a common water cooler. Provide individual water bottles or instruct workers to bring their own;**
- m) Allow non-essential personnel to work from home when possible; and**
- n) Designate a COVID-19 safety monitor on each site who has the authority to enforce these provisions.**
- o) If possible, provide OSHA’s COVID-19 training to all employees.**

- e. **Essential Government Functions.** For purposes of this Directive, all civilian Police employees, sworn Police officers, Sheriff Detention Officers or Deputies, Fire Department, and Emergency Medical Services personnel (“First Responders”), ambulance drivers, emergency management personnel, persons authorized by the Emergency Management Director to assist in the providing for the health, safety, or welfare of the public; emergency dispatch operators, communicators and floor managers; City or County public health workers; prison or jail personnel; City or County animal control employees; public transportation workers; court personnel, child protection and child welfare personnel, military personnel, personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, personnel working for companies, and their subcontractors, who perform work under contract to City, County, State and Federal Governmental Entities for which they are required under state or federal law to remain open; law enforcement personnel, housing and shelter personnel, and others working for or to support Essential Businesses or Critical Infrastructure are categorically exempt from this Directive;

For purposes of this Directive, “Essential Government Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and all agencies that provide for the health, safety and welfare of the public. Each government body shall determine its Essential Government Functions and identify employees and/or contractors necessary to the performance of those functions. To the extent feasible, all Essential Governmental Functions shall be performed in compliance with **Social Distancing Requirements** as defined in Section 1. **All Essential Government Employers are required to conduct regular health checks of its employees, either temperature checks or respiratory screenings; when feasible, space workers six (6) feet apart, staggered work schedules, sanitize commonly used/touched surfaces, provide facilities for hand washing or hand sanitizer. Any employee who has traveled to a place that has a high incidence of COVID-19 cases as identified by both State**

and Federal mandates must not be permitted to return to work until after a self-quarantine of fourteen (14) days.

- f. **Essential Businesses.** All **Essential Businesses**, as defined in this Section, are strongly encouraged to remain open. Essential Businesses that remain open must when possible, comply with **Social Distancing Requirements**, including in the parking lot of the Essential Business. **All Essential Businesses are required to conduct regular health checks of its employees, either temperature checks or respiratory screenings; when feasible, space workers and/or customers six (6) feet apart, stagger employee work schedules, sanitize commonly used/touched surfaces, provide facilities for hand washing or hand sanitizer. Any employee who has traveled to a place that has a high incidence of COVID-19 cases as identified by both State and Federal mandates must not be permitted to return to work until after a self-quarantine of fourteen (14) days.** For the purposes of this Directive, “Essential Businesses” mean:
- i. **Stores that sell Groceries and Certain Other Essential Supplies.** Food service providers, including grocery stores, supermarkets, food and beverage wholesalers, food and beverage warehouses and distribution centers, beer distributors, big-box stores, liquor stores, bodegas, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes general merchandise stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences. This includes furniture and home furnishings stores. This exemption does not apply to outdoor food stalls or other goods sold in an outdoor market, including but not limited to farmers’ markets and swap meets;
 - ii. **Food Cultivation.** Food cultivation, including but not limited to, crop farming, oilseed and grain farming, vegetable and melon farming, fruit and tree nut farming, greenhouse nursery and floriculture production, cattle ranching and farming, hog and pig farming, poultry and egg production, sheep and goat farming, animal aquaculture, other animal production, support activities for crop production, and support activities for animal production;
 - iii. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, and social services, and other necessities of life for the elderly, economically disadvantaged or otherwise needy individuals;
 - iv. **Information.** Newspapers, television broadcasting, radio broadcasting, and other media services. This includes the ancillary work necessary for the delivery of the information referenced herein. Members of the media will be required to follow the **Social Distancing Requirements** as defined in Section

1. This also includes newspaper, periodical, book, and directory publishers, cable and other subscription programming;
- v. **Gas Stations and Businesses Needed for Transportation.** Gas stations, fuel suppliers, tire stores, establishments engaged in renting or leasing passenger automobiles and automotive equipment, bicycle or motorcycle repair shops, automobile and other motor vehicle dealerships for the sale of either new or used cars or providing service and repair services, auto-repair, automotive parts and accessories stores, and other related facilities;
- vi. **Financial Institutions.** Monetary authorities-central bank, depository credit intermediation (this includes consumer banks and credit unions using drive-through, ATM, and limited lobby services), nondepository credit, intermediation, activities related to credit intermediation, insurance carriers, insurance agencies, brokerages and other insurance related activities (although in-person sales/brokerage is prohibited), insurance and employment benefit funds, all credit access businesses shall comply with City of El Paso Ordinance Chapter 5.17;
- vii. **Hardware and Supply Stores and Critical Trades.** Hardware stores and businesses that sell electrical, plumbing, and other material necessary to support Essential Businesses, Critical Infrastructure, and Essential Government Functions. This includes building material and supplies dealers, and lawn and garden equipment and supplies stores. This also includes the following critical trades: 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, Essential Businesses, Essential Government Services, and Critical Infrastructure, including but not limited to utilities such as electrical power generation, transmission and distribution, natural gas distribution, water, sewage and other systems, and other public works;
- viii. **Trade.** The following types of merchant wholesalers are Essential Businesses: Motor vehicle and motor vehicle parts and supplies, lumber and other construction materials, professional and commercial equipment and supplies, electrical and electronic goods, hardware, and plumbing and heating equipment and supplies, machinery, equipment and supplies, miscellaneous durable goods, paper and product, drugs and druggists' sundries, grocery related product, farm product raw material, chemical and allied products, petroleum and petroleum products, beer, and wine and distilled alcoholic beverage, and electronic markets and agents and brokers.
- ix. **Mail and Delivery Services.** Businesses providing mailing and shipping services, including couriers, postal service, local messengers and local delivery, post office boxes, and including non-store retailers such as electronic shopping and mail-order houses, as well as businesses that ship or deliver

groceries, food, goods, essential supplies or services directly to residences, stores, or Essential Businesses;

- x. **Educational Institutions.** Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that **Social Distancing** of six-feet per person is maintained to the greatest extent possible;
- xi. **Laundry Services.** Laundromats, dry cleaners, and laundry service providers;
- xii. **Restaurants for Consumption Off-Premises.** Restaurants and other facilities that prepare and serve food, but only for delivery or take out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Directive on the condition that the food is provided to students or members of the public on a pick-up and takeaway 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 of that School or entity. Food trucks may continue to operate but only if operators enforce compliance with **Social Distancing Requirements** among employees and patrons waiting to order or receive their order, prohibit clients from eating the food onsite, and do not park in areas that are closed pursuant to this Directive or any order;
- xiii. **Supplies to Work from Home.** Businesses that supply computer, printer and communication products needed for people to work from home;
- xiv. **Manufacturing and Supplies for Essential Businesses, Critical Infrastructure and Essential Government Functions.** Businesses that supply other Essential Businesses, Critical Infrastructure, and Essential Government Functions with the support or supplies necessary to operate; including but not limited to computers, audio and video electronics, hardware, paint, electrical and plumbing material, sanitary equipment, medical equipment and supplies, and food and beverages. This includes businesses and manufacturers that retool so that a substantial part of their business is for the purpose of manufacturing and producing ventilators. This also includes animal food manufacturing, grain and oilseed milling, sugar and confectionary product manufacturing, fruit and vegetable preserving and specialty food manufacturing, dairy product manufacturing, animal slaughtering and processing, bakeries and tortilla manufacturing, tamales manufacturing, other food manufacturing and beverage manufacturing, sawmills and wood preservation, veneer, plywood and engineered wood product manufacturing, other wood product manufacturing, pulp, paper and paperboard mills, converted paper manufacturing, printing and related support activities, petroleum and coal products manufacturing, basic chemical manufacturing, resin, synthetic rubber, and artificial synthetic fibers and filaments

manufacturing, pesticide, fertilized and other agricultural chemical manufacturing, pharmaceutical and medicine manufacturing, soap, cleaning compound, and toilet paper manufacturing, other chemical product and preparation manufacturing, plastics product manufacturing, rubber product manufacturing, glass and glass product manufacturing, cement and concrete product manufacturing, lime and gypsum product manufacturing, iron and steel mills and ferroalloy manufacturing, steel product manufacturing from purchased steel, alumina and aluminum production and processing, agriculture construction and mining machinery manufacturing, commercial and service industry machinery manufacturing, engine, turbine, and power transmission equipment manufacturing, ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing, semiconductor and other electrical component manufacturing, navigational, measuring, electromedical, and control instruments manufacturing, aerospace product and parts manufacturing is limited to defense industrial base and transportation manufacturing under CISA advisory, and other miscellaneous manufacturing is limited to defense industrial base manufacturing under CISA advisory;

- xv. **Transportation.** Scheduled and non scheduled air transportation, taxis, rail transportation, water transportation, general freight trucking, specialized freight trucking, school and employee bus transportation, other transit and ground passenger transportation, to include public transportation such as bus services, pipeline transportation of crude oil, pipeline transportation of natural gas, and other pipeline transportation, urban transit systems, and other private transportation providers (such as taxis, limousines, Uber and Lyft) that provide transportation services necessary for the performance of Essential Activities, Essential Businesses, Critical Infrastructure, Essential Government Functions, and Essential Travel. This includes support activities for air, rail, road, and water transportation, freight transportation arrangement, other support activities for transportation and transportation maintenance services such as mechanics necessary to keep transportation services operational;
- xvi. **Home-Based Care and Services.** Home-based care for the sick or dying, seniors, adults, or children, including caregivers who may travel to provide support and/or care;
- xvii. **Residential Facilities and Shelters.** Residential facilities and shelters for seniors, adults, children, including but not limited to homeless shelters, individual and family service centers, centers against family violence, and transitional housing;
- xviii. **Accommodation Services.** Businesses that provide traveler accommodation, to include hotels and motels. Recreational Vehicle (RV) Parks and Recreational Camps are limited to residential use, rooming and boarding houses;

- xix. **Legal Services.** Legal services are limited to those that can be effectuated from home, with the exception of professional services and staff working on essential government functions, and attorneys and staff that provide legal services which require participation in court functions deemed essential by a presiding judge, the Local Council of Judges, Supreme Court orders, and federal court Orders; professional services or support staff may only access their offices to effectuate such functions and Orders.
- xx. **Real Estate Services.** For appraisers, realtors, brokers, title companies and their staff.
- xxi. **Information Technology Services.** IT and IT services and their essential services vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, web-based services, and critical manufacturing. This includes stores primarily engaged in repairing computers, electronics, precision equipment and cell phones; and
- xxii. **Daycare Facilities.** Daycare facilities are limited to providing services that enable employees exempted in this Directive to work as permitted. To the extent possible, daycare facilities must operate under the following mandatory conditions:
1. Daycare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer care recipients are in the same group each day).
 2. Care recipients shall not change from one group to another, unless there is a closure of a daycare facility that requires a care recipient to be placed in a new daycare facility. Care recipients coming from facilities that may have closed shall be grouped together in one group, when possible.
 3. If more than one group of care recipients is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 4. Daycare providers shall remain solely with one group of care recipients.
 5. **All Daycare providers are required to conduct regular health checks of its employees, either temperature checks or respiratory screenings; when feasible, employees should comply with Social Distancing Requirements, stagger work schedules, encourage regular handwashing and use of hand sanitizer. Any employee who has traveled to a place that has a high incidence of COVID-19 cases as identified by both State and Federal mandates must not be permitted to return to work until after a self-quarantine of fourteen (14) days.**

Daycare facilities caring for adult care recipients are urged, when possible, to close and to deliver in-home services, including personal care, medication management, meal delivery and other essential needs for the health and safety of the adult care recipient.

- xxiii. **Animal Shelters, Zoos, and other Businesses that Maintain Live Animals.** Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons, but may continue to operate to the extent necessary to provide for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform an Essential Health Care Service or another Essential Business Service.
- xxiv. **Clothing and Personal Protective Equipment Manufacturers, Suppliers and Retailers.** Stores that only or primarily manufacture, supply, or sell uniforms, apparel, accessories, supplies and personal protective equipment for medical/healthcare professionals and public safety workers (law enforcement officers and firefighters).
- xxv. **Firearms Dealers.** Firearms dealers may operate in accordance with applicable state and federal laws.
- xxvi. **Vector and Pest Control.** Establishments primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, wasps, and other insects and pests.
- xxvii. **Funeral and Post-Mortem Services.** Workers performing mortuary services, death care services, including funeral homes, crematoriums, and cemetery workers shall comply with the Prohibited Activities provisions included in Section 2 of this Directive. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to family members, responders, and survivors of an incident.
- xxviii. **Warehousing and Storage.** Facilities that receive or store residential or commercial goods and shipments.
- xxix. **Rental and Leasing Services.** Consumer goods rental, general rental centers, and commercial and industrial machinery and equipment rental and leasing.
- xxx. **Religious Services.** For the purposes of Executive Order GA-14 the following is considered an “Essential Service.” “Religious services conducted in churches, congregations, and houses of worship,” and any other services as approved by the Texas Division of Emergency Management. Pursuant to Executive Order GA-14, if religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

For the health of the community, the City strongly urges congregations and religious leaders to perform all services remotely;

- xxxi. **Individuals experiencing homelessness.** A person that is homeless is exempt from this Directive; however, such a person is strongly urged to obtain shelter.

SECTION 6. Terms and Definitions.

- a. **Minimum Basic Operations.** For the purposes of this Directive, “Minimum Basic Operations” include the following, provided that employees comply with **Social Distancing Requirements** as defined in Section 1, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, preserve the condition of business’s physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions. This includes facilities support services, investigation and security services, services to buildings and dwellings (this includes janitorial, pest control, and landscaping services), waste collection, waste treatment and disposal and remediation and other waste management services; or
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- b. **Residences.** For purposes of this Directive, residences include hotels, motels, shared rental units, and similar facilities.
- d. **Businesses Covered by this Directive.** For the purposes of this Directive, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or their corporate or entity structure.

SECTION 7. Enforcement. Peace officers and the Office of the Fire Marshal, are hereby authorized to enforce this Directive. This Directive is issued during a state of disaster and during the activation of the Office of Emergency Management Basic Plan. Pursuant to Texas Government Code §418.173, a person who violates any provision of this rule, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or confinement in jail for a term that does not exceed 180 days.

SECTION 8. Posting of this Directive. The City of El Paso’s Public Information Office will post this Directive on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Directive is strongly encouraged to post a copy of this Directive onsite and to provide a copy to any member of the public asking for a copy.

SECTION 9. Prior Directives. This Directive is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitations set out in the preamble to this Directive and prior Directives issued by Mayor Dee Margo except that where any such previous Directives or Declarations are in conflict with this Directive, this Directive prevails.

SECTION 10. Savings Clause. If any subsection, sentence, clause, phrase, or word of this Directive 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 or applications of this Directive.

DIRECTED this the 1st day of April, 2020.

CITY OF EL PASO, TEXAS

Dee Margo
Mayor of the City of El Paso

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
City Attorney