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DELIA BRIONES
COUNTY CLERK
EL PASO COUNTY, TEXAS

EL PASO COUNTY JUDGE ORDER NO. 10
WORK HOME, STAY SAFE – FOURTH OF JULY CELEBRATION RESTRICTIONS
BY THE COUNTY JUDGE OF EL PASO COUNTY, TEXAS

ISSUED JUNE 29, 2020

WHEREAS, on June 12, 2020, El Paso County Judge Ricardo A. Samaniego issued County Judge Order No. 9, as amended on Jun 18, 2020, pursuant to Texas Government Code Chapter 418.1015(a); and

WHEREAS, on June 23, 2020, Governor Abbott issued a proclamation amending Executive Order No. 26 (“GA-26”) expanding local authority on outdoor gatherings; and

WHEREAS, on June 24, 2020, the positivity rate, which is the percentage of coronavirus tests administered that yield a positive result, indicated a seven-day average positivity rate of 11.76% compared to the previously quelled high of 13.86% in mid-April; and

WHEREAS, Governor Abbott noted that if positivity rates again exceeded 10%, he would consider that a “red flag” requiring further preventative action; and

WHEREAS, on June 26, 2020, Governor Abbott issued Executive Order No. 28 (“GA-28”) which supersedes GA-26; and

WHEREAS, GA-28 imposes targeted measures to prohibit any outdoor gatherings in excess of 100 people, with very limited exceptions, as part of the State’s efforts to contain the spike in COVID-19 positive cases; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the El Paso County community and rates of infection are increasing at an alarming exponential 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;

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, the County Judge, in consultation with the El Paso Health Authority, 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, the County Judge, in consultation with the El Paso County Fire Marshall’s Office and the El Paso Health Authority finds that Fourth of July weekend celebrations in various

unincorporated areas in El Paso County are expected to attract hundreds and thousands of people that will result in spontaneous gatherings in excess of 100 people; and

WHEREAS, the County Judge, in consultation with the El Paso Health Authority finds that Fourth of July weekend celebrations in various unincorporated areas in El Paso County will likely result in a dramatic increase in COVID-19 positive cases and deaths; and

WHEREAS, the County Judge, in this County Judge Order No. 10 seeks to provide additional health and safety measures for El Paso County as authorized by Governor Abbott's Executive Order No. 28:

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

SECTION 1. Duration

This Order is effective immediately and shall be in effect until 6 a.m. on Monday, July 6, 2020.

Section 2. Restricted Activities

Pursuant to Governor Abbott's Executive Order GA-28, any outdoor gathering in excess of 100 people is prohibited unless prior approval from the County Judge is obtained. This prohibition shall not apply to the activities or gatherings set forth in paragraphs 1, 2, or 4 of Governor Abbott's Executive Order GA-28.

As a result of the history of hundreds and thousands of people gathering in the unincorporated areas of El Paso County for Fourth of July celebrations, all public outdoor gatherings in the unincorporated areas in El Paso County are prohibited for the duration of this Order.

For purposes of this Order, a gathering shall be defined as any planned or spontaneous public outdoor gathering with a small number participating or a large number of people in attendance in the unincorporated areas in El Paso County for the duration of this Order.

SECTION 5. Enforcement

Pursuant to Texas Government Code Section 418.173(b), it is an offense for an individual to violate a condition or restriction of any Order issued by the El Paso County Judge during the public health crisis/disaster. Said offense shall be a Class C Misdemeanor punishable by a fine not to exceed \$500.

Any peace officer, including, but not limited to, officers of the El Paso County Sheriff's Office, the El Paso Police Department, and the Fire Marshal's Office, is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under Chapter 418 of the Texas Government Code. To the extent allowed by law, this order may be enforced by any code enforcement officers, code compliance officers, or other similar designation, in the same manner that municipal codes and ordinances are enforced.

SECTION 6. Application

This Order of the County Judge applies to all unincorporated areas of El Paso County.

SECTION 7. Posting of this Order

The County will post this Order. 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.

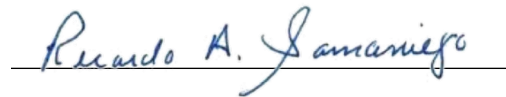
SECTION 8. Prior Orders

This Order is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitals set out in the preamble to this Order. Unless specifically referenced in this Order No. 10, all prior County Judge Orders and relevant amendments shall remain in full force and effect. 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 Governor Greg Abbott either existing or as, if and when issued, 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. To the extent that there is a conflict between this Order and any executive order of the Governor, the strictest order shall prevail.

SECTION 9. Savings Clause. If any subsection, sentence, clause, phrase, or word of this Order 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 Order.

ORDERED this the 29th day of June of, 2020.

COUNTY OF EL PASO, TEXAS

A handwritten signature in blue ink that reads "Ricardo A. Samaniego". The signature is written over a horizontal line.

Ricardo A .Samaniego,
El Paso County Judge