



EXECUTIVE ORDER NW-21 OF BEXAR COUNTY JUDGE NELSON W. WOLFF
ISSUED August 10, 2021

WHEREAS, pursuant to Texas Government Code Section 418.108, Bexar County Judge Nelson W. Wolff declared a state of local disaster on March 13, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 18, 2020 and June 16, 2020, the Bexar County Commissioners Court approved Orders Continuing Declaration of State of Local Disaster for Bexar County and on September 15, 2020, the Bexar County Commissioners Court again approved a third Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the "*Third Order of Continuation of Declaration*");

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Bexar County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified and take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County by the issuance of executive orders (each, an "*Executive Order*");

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 the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Bexar County Community;

WHEREAS, the COVID-19 virus has mutated and developed more contagious strains, such as the Delta variant. The Delta variant has resulted in the fastest rise in hospitalizations throughout the state since the beginning of the pandemic. Hospitals and medical professionals in the Bexar County area report dwindling ICU and hospital capacities;

WHEREAS, the local health disaster has been aggravated by the introduction and spread of the highly contagious Delta variant. In consultation with local health professionals, the County Judge determined that extraordinary emergency measures must be continued in order to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat presented by COVID-19 in Bexar County; however, on its face, executive order GA-38 attempted to restrict the ability of local community leaders to implement necessary mitigating measures designed to reduce the spread of the contagious Delta variant;

WHEREAS, in a joint effort, Bexar County and the City of San Antonio challenged the authority of Governor Greg Abbott to restrict the ability of local community leaders to implement mitigating measures which would help reduce the spread of the Delta variant of COVID-19 in Bexar County and on August 10, 2021, Bexar County District Court Judge Antonia Arteaga granted the City of San Antonio and Bexar County's joint request for a temporary restraining order, pending a future hearing on a temporary injunction;

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent not superseded by orders entered in Cause No. 2021-CI-16133 or other law, the executive orders of Governor Greg Abbott and the current declaration of the Mayor of the City of San Antonio (as extended or modified);

WHEREAS, in consultation with local health professionals, the County Judge has determined that extraordinary emergency measures must be continued in order to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat presented by the COVID-19 Delta variant in Bexar County;

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, by the authority vested in me as Bexar County Judge and as the Emergency Management Director for the County of Bexar to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 12:01 a.m. on Wednesday, August 11, 2021 ("**Effective Date**"), and continuing until fourteen (14) days following the termination of the state-wide public health emergency as declared by Texas Governor Greg Abbott, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:

- I. **Public Health Emergency**. That this Executive Order shall continue the local disaster declaration and public health emergency for Bexar County for the period specified in this Executive Order and shall incorporate and adopt the most recent executive orders, proclamations or declarations issued by Governor Greg Abbott and any subsequent orders, proclamations or declarations issued by the Governor relating to the COVID-19 disaster - to the extent not superseded by orders entered in Cause No. 2021-CI-16133 or other law. This Executive Order further identifies measures that are necessary to mitigate spread of the COVID-19 virus in Bexar County.
- II. **Face Coverings - Bexar County Justice Center Complex and other Bexar County Facilities**. As soon as practical following the Effective Date of this Executive Order, all

employees and contractors, visitors and members of the public (10 years of age or older) are required to wear a face covering when entering Bexar County buildings and facilities and throughout their visit, unless the contractor, visitor, or member of the public has a medical condition or disability that prevents wearing a face covering. Bexar County employees are required to wear face coverings when entering Bexar County buildings and other facilities and must do so wherever it is not feasible to maintain six feet of social distancing from another person or when working in areas that involve close proximity with other coworkers, unless the employee has a medical condition or disability that prevents wearing a face covering.

- III. **Face Coverings – General Public.** Local health officials encourage every person 10 years or older in Bexar County to wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household or when in areas that involve close proximity to others. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief.
- IV. **Bexar County Health Authority Health Directive.** That the requirements of the Health Directive issued by the Local Health Authority for Bexar County and the City of San Antonio issued pursuant to Texas Health & Safety Code §81.082 imposing requirements on all public schools (“Schools”) offering instruction to students in any grades from pre-kindergarten through grade 12 and made effective as of August 10, 2021 is hereby adopted and made effective throughout Bexar County.
- V. **Health and Safety Policy – Commercial Entities.** All commercial entities in Bexar County providing goods or services directly to the public must continue to post and implement a health and safety policy (“Health and Safety Policy”). The Health and Safety Policy required by this Executive Order should be developed by the commercial entity after considering the specific needs of its business operation and services provided in light of current State orders public health guidance. While the commercial entity should implement the Health and Safety Policy which best fits its business needs in consideration of the specific health risks presented by its operations, commercial entities may consider the following elements to include in their Health and Safety Policy:
- i) Requiring employees, customers and other visitors to wear face masks;
 - ii) Requiring customers to maintain six feet of separation;
 - iii) Implementing voluntarily developing occupancy limitations; or
 - iv) Implementing screening procedures such as temperature checks or health screenings.

Nothing in this Executive Order requires a commercial entity to adopt any specific recommendation. However, all commercial entities must post a Health and Safety Policy once adopted in a conspicuous location sufficient to provide clear notice to all employees, customers and visitors of any health and safety requirements implemented by the commercial entity, including any policy on wearing a face mask. If an individual is

refusing to comply with the entity's Health and Safety Policy, then the commercial entity may call on legally authorized officials to remove any individual refusing to comply with its adopted Health and Safety Policy from its premises in accordance with trespassing laws.

San Antonio businesses are strongly encouraged to take the "Greater, SAfer, Together" pledge which commits businesses to do the following:

- a. Use face masks
- b. Practice physical distancing
- c. Conduct temperature checks
- d. Provide Hand sanitizer
- e. Follow CDC protocols
- f. Implement contactless payment when possible
- g. General COVID-19 awareness training for employees.

Businesses that take the "Greater, SAfer, Together" pledge may post their commitment to facilitate compliance with the County's Health and Safety Policy posting requirement.

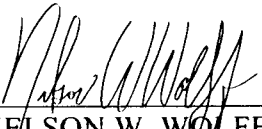
- VI. **Long-term Care Facilities and Dialysis Facilities.** People may visit nursing homes, statue supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, long-term care facilities and dialysis facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible. Long-term care facilities and dialysis facilities should follow all additional CDC guidance to take proactive steps to protect the health of residents and preserve the health care workforce by identifying and excluding potentially infected staff members, conducting visitation consistent with the Texas Governor's executive orders, any applicable declaration of the Mayor of San Antonio and any Executive Order of the Bexar County Judge, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures.
- VII. **Residential Evictions.** A landlord, owner of residential property, or other person with legal right to pursue eviction or possessory action shall comply with the orders of the Supreme Court of Texas regarding in-court proceedings and proceedings related to residential evictions or other law related to pursuing eviction proceedings.
- VIII. **Further Actions as Necessary.** Significant escalation in one or more of the Local Progress and Warning Indicators identified by the COVID-19 Community Response Coalition such as the number of daily cases, the need for case investigators and contact tracers, the number of patients hospitalized, in ICU, or on ventilators due to COVID-19 related complications, the Total Case Double Time, the COVID-19 weekly positivity rate (i.e., the percentage of lab tests that are positive for COVID-19), and the STRAC Health System Score may require the strengthening or addition of mitigation measures.

The San Antonio Metro Health District will work with other community stakeholders to monitor the above criteria which have been identified as key factors to evaluate the effectiveness of control measures to mitigate spread of the COVID-19 virus.

Additionally, State health indicators, including the transmission of COVID-19, and the number of COVID-19-related hospitalizations and fatalities will be monitored and taken into consideration.

- IX. **Bexar County Business.** That residents of Bexar County conduct important Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.
- X. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
- XI. **Interpretation and Additional Terms.** 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, to the extent not superseded by orders entered in Cause No. 2021-CI-16133 or other law. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law 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.
- XII. **Enforcement.** In accordance with the limitations contained in the executive orders of Governor Greg Abbott or this Executive Order, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

ORDERED this 10th day of August, 2021



NELSON W. WOLFF
Bexar County Judge

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