

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SPORTSPLEX OF HOUSTON, INC.,	§	
	§	
<i>Plaintiff,</i>	§	
v.	§	
	§	
THE CITY OF HOUSTON, THE CITY OF	§	
HOUSTON POLICE DEPARTMENT, and	§	CIVIL ACTION NO. _____
THE CITY OF HOUSTON FIRE	§	
DEPARTMENT,	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF’S VERIFIED ORIGINAL COMPLAINT &
APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**

Plaintiff, Sportsplex of Houston, Inc., d/b/a Houston Sportsplex (“Plaintiff” or “Sportsplex”) files this Verified Original Complaint and Application for Temporary and Permanent Injunctive Relief against Defendants, the City of Houston, the City of Houston Police Department, and the City of Houston Fire Department.

INTRODUCTION & REQUEST FOR RELIEF

1. As night fell on May 1, 2020, upwards of 30 to 40 law enforcement officials descended on a locale in southwest Houston, entered and seized the property without a warrant, threatened to arrest and criminally charge the property’s general manager, cite and expel each and every one of the individuals who had the temerity to occupy the premises, all without prior notice or an opportunity to be heard.

2. What prompted such an overwhelming demonstration of governmental power? Average citizens decided for themselves to enjoy a spring evening playing softball outdoors at Plaintiff’s business, Sportsplex.

3. Under what authority or justification did these officials act? Municipal fiat, derived from an unwarranted interpretation of the Governor's Executive Order GA 18 ("GA 18") to somehow mean that state actors may exercise unfettered police power to decide, on-the-fly, what commercial and recreational activities are unlawful in the time of coronavirus.

4. It is enough that coronavirus has caused an enormous loss of life and wrought unparalleled economic devastation. The residents of this City do not also deserve treatment as *de facto* criminals merely because they have tried to responsibly enjoy some sense of normalcy in these extraordinary times. Defendants have vast powers to respond to the novel SARS-CoV-2 pandemic, but they cannot completely ignore the Constitution.

5. Sportsplex brings this action for declaratory and injunctive relief pursuant to 42 U.S.C. § 1983 for violation of its rights secured under Fourth, Fifth and Fourteenth Amendments to the United States Constitution. Sportsplex asks the Court to immediately enjoin the City of Houston and its law enforcement agencies from continuing to use its police power to choke off its livelihood in violation of due process and under the auspices of enforcing the Governor's orders.

PARTIES

6. Sportsplex of Houston, Inc., d/b/a Houston Sportsplex, is a Texas corporation doing business in Harris County, Texas.

7. Defendant City of Houston is a municipal corporation located in Harris County, Texas. It may be served with process by delivering a copy of the summons and of the complaint to the City of Houston City Secretary, 900 Bagby Street, Room P101, Houston, Texas 77002.

8. Defendant City of Houston Police Department is an agency of the City of Houston.

9. Defendant City of Houston Fire Department is an agency of the City of Houston.

JURISDICTION AND VENUE

10. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over all civil matters arising under the Constitution, laws, or treaties of the United States, and has jurisdiction to award damages and grant equitable or declaratory relief. Specifically, this Court has jurisdiction because this is an action arising under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

11. Venue of this case lies in the Southern District of Texas pursuant to 28 U.S.C. § 1391(b) because all events giving rise to the claim occurred within the City of Houston.

FACTS

12. Plaintiff operates Sportsplex. Patrons visit the facility to enjoy fresh air, exercise, and camaraderie at the 30-acre sports venue stretched across four multi-purpose soccer/flag-football fields, eight volleyball courts, and six softball fields like the one depicted below:



13. Sportsplex is among the tens of thousands of law-abiding small enterprises in this state that have sacrificed for the greater good, closing its doors for the past seven weeks to comply with state and local decrees issued to safeguard the public health against coronavirus.

I. The State of Texas’s Coronavirus Public Health Pronouncements

14. Governor Greg Abbott’s Executive Order GA 18 (“GA 18”) issued on April 27, 2020, brought some hope. GA 18 relates to the expanded reopening of commerce as part of the plan to “Open Texas” in a manner that the State has deemed appropriate to safeguard public health.¹ As it relates to Sportsplex’s business activities, GA 18 is clear:

This executive order **does not prohibit** people from [1] accessing essential or [2] reopened services or [3] **engaging in essential daily activities**, such as ... visiting parks, 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.²

15. GA 18 expressly allows “engaging in physical activity” and identifies “outdoor sports” as falling in that category. Quite obviously, softball is an “outdoor sport” involving physical activity.³ Nothing in the plain language of GA 18 says that some “outdoor sports” are allowed and others are not. It does not limit outdoor sports to *ad hoc* pick-up games. It does not prescribe the maximum number of participants who may engage in their chosen outdoor sport. Nor does it ban “outdoor sports” because they are organized and managed by a for-profit business. The only meaningful limitations on outdoor sports is that “necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize-in-person contact.”

¹ **Exhibit A**, Governor of the State of Texas, Executive Order GA 18, p. 4.

² *Id.* at p. 3.

³ The Attorney General has advised that with respect to identical language in GA 14, “With regard to individuals that desire to play golf, GA-14 expressly allows “engaging in physical activity.” Golf is defined as a sport involving physical activity. While GA-14 expressly prohibits “visiting gyms,” it permits activities like “jogging and bicycling, 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. Similarly, a person is not prohibited from playing or practicing golf on property that remains open to the person (such as by holding a membership and/or reserving a tee time), but the person should follow the CDC guidelines pursuant to GA-14.” See **Exhibit B**, Apr. 17, 2020 Attorney General Letter to Hon. James B. Frank re: Golf course protocols

II. Sportsplex Implements the State's Guidance

16. After GA 18 was issued, Sportsplex advertised its intent to resume outdoor sports activities on May 1, 2020, namely softball and volleyball games. Of course, before it reopened, Sportsplex's proprietors considered how best they could contribute to the protection of public health while advancing the state-endorsed policy objective of supporting economic revitalization.

17. To that end, Sportsplex relied on a document referred to in GA 18—"Texans Helping Texans: The Governor's Report to Open Texas." ("Report"). The Report is a compilation of evolving explanations, recommendations, and guidelines. Indeed, it provides that citizens and businesses "are encouraged to review, print out, and follow the MINIMUM health protocols recommended by [the Texas Department of State Health Services] and in the checklists on the following pages."⁴

18. The checklist for outdoor sports recommended that as "outlined in Governor Abbott's GA-18, individuals may engage in outdoor sports, provided that the sports do not include contact with other participants, and no more than four participants play the sport at any time."⁵

19. Moreover, the checklist explains that because government officials are not omniscient public health sentries capable of issuing "guidance [to] anticipate every unique situation," the people of this state are trusted to exercise their own discretion and "stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization."⁶

⁴ **Exhibit C**, "Texans Helping Texans: The Governor's Report to Open Texas" dated Apr. 27, 2020, Outdoor Sports Checklist, p. 19.

⁵ *Id.* at p. 38.

⁶ *Id.*

20. With those goals in mind, Sportsplex implemented new precautions and protocols in accordance with government-authorized guidelines, recently promulgated industry standards,⁷ and the exercise of its own “common sense and wise judgment.”

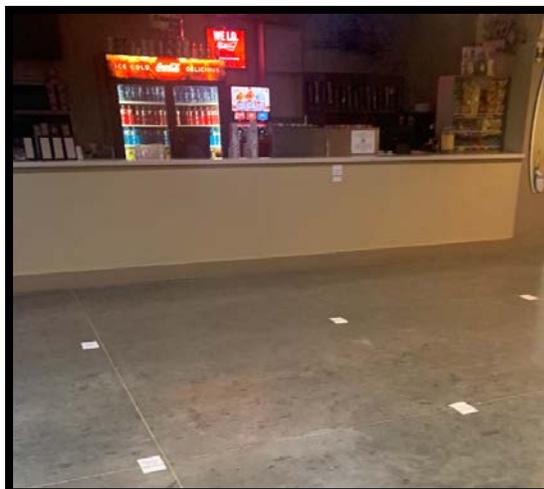
21. Social distancing was to become part-and-parcel of the game of softball when played at Sportsplex. Sportsplex stocked dugouts with hand sanitizer. It banned communal water coolers. It required players to remain six feet apart from each other at all times while not on the field of play, and all other participants were to remain outside the dugout or stationed in the bleachers.⁸

22. On the field, Sportsplex required the catcher to be at least six feet from the batter. All umpires were to stay at least six feet away from the players. Physical contact and tagging of players were banned. The ball itself needed to be sanitized frequently. Given the nature of softball, members of the fielding team were already expected to be positioned dozens of feet apart, whether on the diamond or in the outfield. The traditional sign of good sportsmanship—post-game handshaking—was prohibited. Patrons were not allowed to congregate in the parking lot after games.

23. Off the field, all staff and customers were required to wear masks. Indeed, anyone entering Sportsplex’s premises was required to wear a face covering and customers were recommended to continue to wear the mask when not playing. Extra sanitary stations were positioned around the facility. The concession area was subject to an array of social distancing restrictions that matched those imposed by restaurants and other dining facilities.

⁷ Sportsplex instituted and was following the “Post Covid-19 Return-to-Play Guidelines, Procedures and Recommendations” drafted by United States Specialty Sports Association, which is the national governing body for competitive softball. Available at <<http://usssa.com/coronavirus>>, last accessed May 6, 2020.

⁸ **Exhibit D**, Houston Sportsplex Rules During COVID-19 Pandemic.



24. In sum, Sportsplex intended to run its business and regulate its patrons as stringently as possible, perhaps even more stringently than many of the “Essential Services” that continue to allow tight groups to congregate and mill around indoor areas without face masks. In the weeks before reopening, Sportsplex broadcast the measures it would take and its intent to reopen on social media.

III. Law Enforcement Officials Descend on Sportsplex Without Notice

25. On the morning of May 1, 2020, a Harris County Constable appeared at Sportsplex to ask whether it would be opening later that day. Barry Horvitz, Sportsplex’s General Manager, confirmed that indeed, the business would be open to people wanting to play softball that evening. The constable departed without saying more.

26. Shortly before 6:00 p.m., two Fire Department personnel appeared at Sportsplex. Sportsplex’s lawyer, Ronny Hecht, greeted them. One of the inspectors, Jeannice Mitchel, told Mr. Hecht, to shut down the business because it was in violation of the Governor’s order as there were more than four people ready to begin playing softball. Mr. Hecht refused this demand for Sportsplex to shut down and attempted to explain that GA 18 contained no such restriction.

27. To obtain further guidance, Ms. Mitchel called her superiors—Fire Department’s Assistant Chief, Michelle McLeod, and the Intake Bureau Chief for the Harris County District Attorney’s Office, Jim Leitner.

28. Meanwhile, Sportsplex opened its gates for play beginning at 7:00 p.m. All of the rules, protocols, and policies discussed above were in full force and effect. On all six fields, Sportsplex patrons began playing the inherently socially-distanced game of softball.

29. Around this time, a Houston Police Department officer arrived on the scene claiming that there was “suspicious activity.” Ms. Mitchel then provided Mr. Hecht a copy of the Report to Open Texas and explained that per Mr. Leitner’s directives, the District Attorney’s office concluded that Sportsplex was in violation of the GA 18 and the Report because there were more than four people participating.

30. Mr. Hecht requested that he be allowed to speak with Mr. Leitner to explain that GA 18 does not incorporate by reference the non-mandatory guidelines in the Report. Ms. Mitchel told him that it would not be worth his time.

31. Meanwhile, another police sergeant had arrived and called for back-up units. Mr. Hecht continued to explain that there was no basis in GA 18 authorizing officials to close his business down. His protests fell on deaf ears.

32. Indeed, law enforcement had been authorized to arrest Sportsplex’s general manager, Mr. Horvitz, and charge him with a crime. According to Ms. Mitchel’s report, “[a]fter receiving notice from Chief McLeod that Chief [sic] Leitner’s office will take Class B misdemeanor charges for refusing to follow Governor Abbott’s executive order GA-18, detailed in the guideline above, Sargent K. Merritt requested several additional HPD units....”⁹

⁹ **Exhibit E**, Fire Marshal Inspection Report dated May 1, 2020, p. 4.

33. Platoons of police officers appeared within minutes. There was clearly no emergency as officers loitered on the premises for several hours, a few of whom, it might be added, did not don protective face masks:



34. The police sergeant “informed Mr. Horvitz what the consequences of his actions would be”¹⁰ if Sportsplex was not immediately shut down—Mr. Horvitz would be arrested, charged with a Class B Misdemeanor, and all of Sportsplex’s patrons would be issued citations.

¹⁰ *Id.* at p. 4.

35. As the eight o'clock hour approached, law enforcement officials, without a warrant, took it upon themselves to shut the business down. They fanned out across the premises and began to confront customers, threatening them with citations unless they departed immediately.

36. In an effort to deescalate the situation, avoid the arrest of its personnel, and to preserve goodwill with their customers, Sportsplex closed its operations. The officials finally left Sportsplex around 9:00 p.m., announcing their exploits on social media:



37. None of this was necessary. Sportsplex was operating lawfully. Law enforcement had no right or basis in the law to close the business down, threaten its personnel with criminal charges and arrest, or browbeat law-abiding citizens who were doing nothing more than engaging in recreational activity in these chaotic times with criminal infractions.

CAUSES OF ACTION

38. 42 U.S.C. § 1983 provides that a person who, acting under color of law, subjects or causes to be subjected any United States citizen to the deprivation of any rights, privileges, or immunities secured by the Constitution, shall be liable to the party injured in an action at law.

39. At all relevant times and regarding all relevant actions of the Defendants as alleged in this Complaint, the Defendants were acting in their official capacities, under color of state law, and pursuant to the official policies, practices and customs of the governmental agencies or entities which the Defendants respectfully represent.

40. Defendants, acting under color of law, have subjected and caused Plaintiff to be subjected to the deprivation of its rights, privileges, or immunities as secured by the First, Fourth and Fourteenth Amendments. Specifically, Defendants have violated Plaintiff's right to due process of law, shutting down the business without legal basis, threatening its representatives with arrest unlawfully and without authority.

41. As evidenced by the same conduct vis-à-vis at least one other business in the City of Houston on May 1, 2020, *see Trumps Inc. v. City of Houston, et al.*, Cause No. 4:20-cv-01555, Defendants have adopted a custom, practice, and policy of 'enforcing' the Governor's orders by displaying the police power first, asking questions later, and closing businesses down without due process of law.

A. Violation of the Fifth and Fourteenth Amendments

42. The Fourteenth Amendment provides that "nor shall any State deprive any person of life, liberty, or property, without due process of law," and protects the individual against arbitrary action of government. U.S. CONST. Amend. XIV. Likewise, the Fifth Amendment to the

Constitution provides, in part, that “no person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONST. Amend. V.

43. Due process is a flexible inquiry that, at a minimum, requires notice and the opportunity to be heard. *See Mathews v. Eldridge*, 424 U.S. 319, 348 (1976). The Constitution requires notice and “some kind of a hearing *before* the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). “If ... the state is able to provide the affected individual with a hearing before the deprivation occurs, due process usually requires that the state do so.” *Augustine v. Doe*, 740 F.2d 322, 327–28 (5th Cir. 1984).

44. Plaintiff has a constitutionally protected property interest in operating its business and holding outdoor sports activities. *See Bowlby v. City of Aberdeen, Miss.*, 681 F.3d 215, 221 (5th Cir. 2012) (recognizing that plaintiff’s “ability to operate her business, which, as we have stated, is recognized by courts as an important right”). Additionally, Plaintiff has a constitutionally protected right to be free from seizure of its property without probable cause or adequate justification. *See* U.S. CONST. Amend. IV, V.

45. These interests are significant. The loss of the ability to reopen in light of Defendants’ threats and actions imperils Plaintiff’s very right to exist. Defendants deprived Plaintiff of these rights under color of law and without due process of law.

46. Defendants were in a position to provide for pre-deprivation process. Defendants cannot claim that the deprivation in this matter was entirely unforeseeable, random, or unpredictable at a given point in time. *See Zinermon*, 494 U.S. at 136. In light of GA 18’s language, it was hardly unforeseeable that a business such as Sportsplex would or could reasonably conclude that it could lawfully resume operations on May 1, 2020 in compliance with state decrees. Indeed,

Plaintiff openly and repeatedly advertised on social media its intent to reopen on that date in accord with those dictates and guidelines.

47. Municipal officials, authorized to enforce GA 18 under its terms, could have easily foreseen the need to first obtain clarity regarding any doubts about the application, scope, and enforcement of GA 18 in light of Plaintiff's intent to reopen. *See Zinermon*, 494 U.S. at 136. Instead, it was only once Defendants actually arrived at Sportsplex that they found it necessary to begin consulting with their superiors to decide how to proceed. Indeed, even at that point, Defendant denied Plaintiff an opportunity to be heard by the decisionmakers who instructed officials in the field that they were to arrest Plaintiff's proprietors, expel the patrons, and close the business down.

48. In truth, a pre-deprivation hearing was entirely practicable. As mentioned, Plaintiff had been advertising for *weeks* that it planned to reopen on May 1, 2020. Defendants obviously had knowledge of Plaintiff's intent to reopen as demonstrated in the appearance of a law enforcement official at Sportsplex hours before the facility reopened.

49. No imminent public health emergency manifested from the operation of Sportsplex under the protocols and procedures it implemented in accord with state-sanctioned guidelines. If Defendants believed that Plaintiff's opening would be in violation of GA 18, they could have easily obtained guidance from the Attorney General's office, *see, e.g., Exhibit B*, obtained a temporary restraining order, and/or sought declaratory relief in order to establish Plaintiff's rights and obligations under GA 18. Instead, Defendants chose to deny Plaintiff due process, circumventing that right by shutting the business down right then and there under threat of immediate arrest.

50. The shock-and-awe tactics of law enforcement foreclosed Plaintiff's opportunity to be heard. The cost of taking such on-the-fly action clearly outweighs the benefit of utilizing

advance notice or procedural safeguards of any sort. “If the right to notice and a hearing is to serve its full purpose, then, it is clear that it must be granted at a time when the deprivation can still be prevented.” *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972); *Bowlby v. City of Aberdeen, Miss.*, 681 F.3d 215, 221 (5th Cir. 2012) (Observing that the municipality “did not provide *any* process prior to revoking [plaintiff]’s permits, which increases the risk of an erroneous deprivation, and means that any procedural safeguards would be highly valuable”).

51. The authority under which Defendants purported to act—the Governor’s executive order—provides no post-deprivation procedure or remedy for the unlawful enforcement of its dictates. *See Martin v. Dallas County, Tex.*, 822 F.2d 553, 555 (5th Cir. 1987). There is no right to appeal from Defendants’ actions or review their command that Sportsplex must remain shuttered under their interpretation of GA 18. The only avenue for rectifying this violation of due process is the relief sought herein.

52. Moreover, GA 18 itself explains that the Governor suspended various provisions of the Texas Government Code and Health and Safety Code, and, most importantly, “any other relevant status, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local official may enforce this executive order as well as local restrictions that are consistent with this executive order.”¹¹

53. The issuance of Executive Order GA 21 on May 5, 2020, does not eliminate the harm that has occurred or the threat of ongoing harm.¹² Nor does the fact that circumstances might change in the future alter the analysis. The harm has been done and subsists. “[I]t is now well settled that a temporary, nonfinal deprivation of property is nonetheless a ‘deprivation’ in the terms of the Fourteenth Amendment.” *Fuentes v. Shevin*, 407 U.S. 67, 84–85, (1972).

¹¹ Exhibit A, Report, p. 6

¹² Exhibit A1

B. Declaratory Relief

54. Section 1983 authorizes a plaintiff to seek declaratory relief. *Christian Legal Soc'y Chapter of the Univ. of Cal. v. Martinez*, 561 U.S. 661, 673 (2010) (section 1983 suit brought for violations of First and Fourteenth Amendments sought injunctive and declaratory relief). Plaintiff seeks declaratory relief on the following issues—

- (a) Whether the Governor's executive orders, specifically GA 18, authorize or permit Defendants to close or impede Plaintiff's otherwise lawfully-operated business; and
- (b) Whether the enforcement of the Governor's executive orders permits Defendants to close or impede Plaintiff's otherwise lawfully-operated business without providing Plaintiff notice and an opportunity to be heard before taking such actions.

APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

55. Plaintiff seeks a temporary and permanent injunction prohibiting Defendants as follows:

- a. Defendants are prohibited from arresting or threatening any employee or representative of Plaintiff, Sportsplex of Houston, Inc. d/b/a Houston Sportsplex for conducting operations;
- b. Defendants are prohibited from closing or attempting to close Sportsplex under color of Governor Greg Abbott's Executive Order GA 18 or GA 21;
- c. Defendants are prohibited from maintaining a physical presence at Sportsplex, or within 400 meters of the Sportsplex premises, for longer than thirty minutes, unless investigating criminal activity with probable cause;
- d. Defendants are prohibited from entering Sportsplex property unless requested by Sportsplex;
- e. Defendants shall produce all documents and communications relating to investigations of Sportsplex from the time period of April 1, 2020 through May 8, 2020, and shall produce them five days before the hearing on Plaintiff's temporary injunction; and

- f. Defendants shall produce a privilege log and articulate the legal basis for any privilege they assert for all documents withheld from subsection d. above, and shall produce it five days before the hearing on Plaintiff's temporary injunction.

56. Plaintiff is entitled to injunctive relief because it has (1) a substantial likelihood of success on the merits; (2) Defendants' conduct presents a substantial threat that it will suffer irreparable injury absent the injunction; (3) this threatened injury outweighs any harm the injunction might cause the Defendants; and (4) the injunction will not impair the public interest.

57. Plaintiff has a strong likelihood of success on the merits. Plaintiff has a constitutionally protected property and liberty interests as set forth above. The risk of erroneous deprivation of such interests in violation of Plaintiff's due process rights is certain to continue so long as coronavirus remains part of our collective experience. There is a strong interest in protecting Plaintiff from further deprivations of its constitutional rights because, as mentioned above, Defendants' conduct, if not abated, will cause Plaintiff to permanently go out of business, all without an opportunity to be heard.

58. Absent an injunction, Plaintiff will suffer irreparable injury. Businesses have a right to transact lawful business without fear of being shut down without warning. The loss of constitutional freedoms for "even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Indeed, in the context of a pre-deprivation due process violation, "no later hearing and no damage award can undo the fact that the arbitrary taking that was subject to the right of procedural due process has already occurred." *Fuentes*, 407 U.S. at 82; *see also Carey v. Piphus*, 435 U.S. 247, 266 (1978) ("Even if respondents' suspensions were justified, and even if they did not suffer any other actual injury, the fact remains that they were deprived of their right to procedural due process"). Under Defendants' existing regime of applying and enforcing the Governor's executive orders without affording Plaintiff due process of law,

Plaintiff cannot reopen and will ultimately be forced to close permanently. Monetary relief is therefore insufficient as a matter of law because the harm Plaintiff will suffer and has suffered between now and trial if not allowed to operate will result in the loss and extinction of its business.

59. An injunction will not significantly burden any of the Defendants' interests, but will instead serve and enhance the public's interests. Nothing in the injunction in any way inhibits Defendants' legitimate law enforcement function vis-à-vis Plaintiff. Indeed, the public interest favors the issuance of injunctive relief to protect the constitutional rights at stake in this case and to ensure that Defendants do not exercise such unbridled authority without affording citizens due process of law.

ATTORNEYS' FEES

60. Plaintiff requests payment of its reasonable attorneys' fees and costs. Plaintiff is entitled to recover reasonable and necessary attorneys' fees and expert fees. 42 U.S.C. § 1988.

CONDITIONS PRECEDENT

61. All conditions precedent have been performed or have occurred.

PRAYER

WHEREFORE, Plaintiff, Sportsplex of Houston, Inc. d/b/a Houston Sportsplex, respectfully requests that judgment be entered in their favor and that it be awarded the following forms of relief:

- a. Injunctive and declaratory relief;
- b. Prejudgment and post-judgment interest as allowed by law;
- c. Attorneys' fees;
- d. Expert fees;
- e. Costs of suit; and
- f. All other relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

WALLACE & ALLEN, LLP

/s/ Casey T. Wallace

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2020, I served a copy of the Original Complaint on the following individuals via ECF and/or email transmission in compliance with the Federal Rules of Civil Procedure.

Damon Crenshaw
Senior Assistant City Attorney
City of Houston Legal Department
900 Bagby, Third Floor
Houston, Texas 77002
Damon.Crenshaw@houstontx.gov
ATTORNEY FOR DEFENDANTS

/s/ Casey T. Wallace

Casey T. Wallace

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SPORTSPLEX OF HOUSTON, INC.,

Plaintiff,

v.

THE CITY OF HOUSTON, THE CITY OF
HOUSTON POLICE DEPARTMENT, and THE CITY OF HOUSTON FIRE DEPARTMENT,

Defendants.

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CIVIL ACTION NO. _____

DECLARATION OF BARRY HORVITZ

1. My name is Barry Horvitz. I am over the age of twenty-one (21) years and am fully competent to make this declaration. All statements contained in this declaration are true and correct and are based on my personal knowledge.

2. I am the Vice-President of Sportsplex of Houston, Inc. I have read the foregoing Verified Original Complaint and Application for Temporary and Permanent Injunctive Relief, and every factual statement therein is true and correct.

3. I, Barry Horvitz, declare under penalty of perjury that the above is true and correct and based on my personal knowledge. I am executing this declaration within the territorial limits of the United States of America.

EXECUTED on May 6, 2020.


Barry Horvitz

EXHIBIT

A

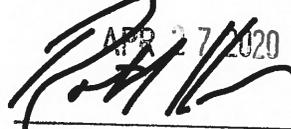


GOVERNOR GREG ABBOTT

April 27, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1 PM O'CLOCK

APR 27 2020

Secretary of State

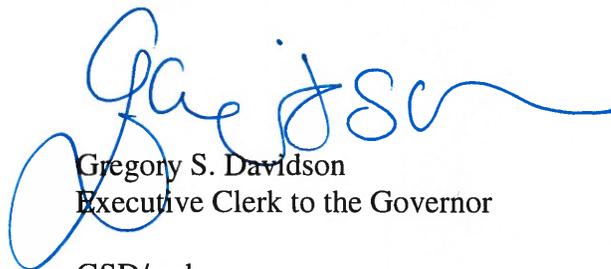
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-18 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 27, 2020

EXECUTIVE ORDER
GA 18

Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, shortly before Executive Order GA-08 expired, I issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive social-distancing Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including by limiting social gatherings and in-person contact with people (other than those in the same household) to providing or obtaining "essential services," and by expressly adopting federal guidance that provides a list of critical-infrastructure sectors, workers, and functions that should continue as "essential services" during the COVID-19 response; and

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SECRETARY OF STATE
1 PM O'CLOCK

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Governor Greg Abbott
April 27, 2020

Executive Order GA-18
Page 2

WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which have saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to replace Executive Order GA-14, and while Executive Order GA-16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Executive Order GA-16 is set to expire at 11:59 p.m. on April 30, 2020; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor 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

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately, and continuing through May 15, 2020, subject to extension based on the status of COVID-19 in Texas and the

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Governor Greg Abbott
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Executive Order GA-18
Page 3

recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social 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 shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

"Reopened services" shall consist of the following to the extent they are not already "essential services:"

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
2. Starting at 12:01 a.m. on Friday, May 1, 2020:
 - a) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
 - b) 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 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) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
 - d) 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.
 - e) Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
 - f) For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, and museums and libraries, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent) of

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Executive Order GA-18
Page 4

- the total listed occupancy.
- g) Services provided by an individual working alone in an office.
 - h) Golf course operations.
 - i) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
 - j) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. 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 an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

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. 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.

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 parks, 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.

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 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.

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

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recommence before the end of the 2019-2020 school year. 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 strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms 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.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. I hereby suspend 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, to the extent necessary to ensure that local officials do not impose restrictions 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.

This executive order supersedes Executive Order GA-16, but does not supersede Executive Orders GA-10, GA-11, GA-12, GA-13, GA-15, or GA-17. This executive order shall remain in effect and in full force until 11:59 p.m. on May 15, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 27th
day of April, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

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SECRETARY OF STATE
1pm O'CLOCK

APR 27 2020

EXHIBIT

A1

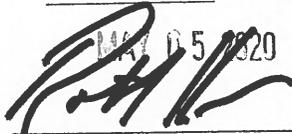


GOVERNOR GREG ABBOTT

May 5, 2020

FILED IN THE OFFICE OF THE
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6:10PM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAY 05 2020

Secretary of State

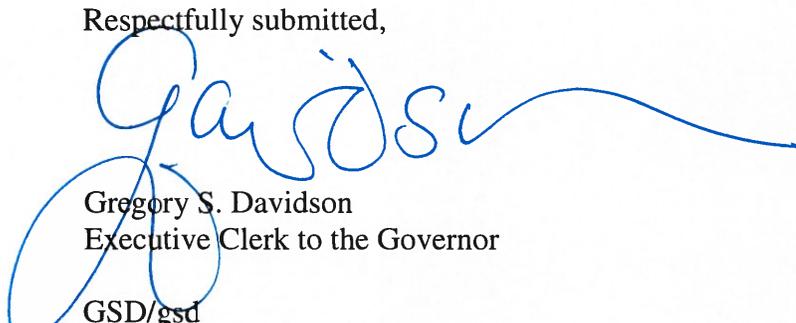
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-21 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
May 5, 2020

EXECUTIVE ORDER
GA 21

Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans, aimed at slowing the spread of COVID-19 and protecting public health and safety; and

WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which had saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers

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Governor Greg Abbott
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affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to generally continue through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, but also to offer a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, I subsequently issued Executive Order GA-18 on April 27, 2020, to expand the services that are reopened in Texas, including allowing in-store retail and dine-in restaurant services at establishments operating within specific capacity limits; and

WHEREAS, as normal business operations resume, everyone must act safely, and to that end Executive Order GA-18 and this executive order provide that all persons should follow the health protocols recommended by DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor 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

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

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Executive Order GA-21
Page 3

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately, and continuing through May 19, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social 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 shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

"Reopened services" shall consist of the following to the extent they are not already "essential services:"

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 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.
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. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that
 - a. local public museums and local public libraries may so operate only if permitted by the local government, and
 - b. any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.

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Page 4

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. Golf course operations.
9. Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
10. 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.
11. 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.
12. 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 work stations.
 - c. Swimming pools; provided, however, that (i) indoor swimming pools may operate at up to 25 percent of the total listed occupancy of the pool facility; (ii) outdoor swimming pools may operate at up to 25 percent of normal operating limits as determined by the pool operator; and (iii) local public swimming pools may so operate only if permitted by the local government.
13. 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.
14. For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, museums and libraries, indoor wedding venues, wedding reception services, swimming pools, services provided by office workers in offices of more than five individuals, manufacturing services, and gyms and exercise facilities and classes, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent).
15. Such additional services as may be enumerated by future executive orders or proclamations by the governor.

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

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order, staff members are not included in determining operating levels except for non-essential manufacturing service providers and services provided by office workers. 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 an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

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 standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus. All persons should also follow, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate 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.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

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.

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 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.

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 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.

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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 health protocols found in guidance issued by the TEA. Private schools and institutions of 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.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. I hereby suspend 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, 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.

This 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 19, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 5th
day of May, 2020.

GREG ABBOTT
Governor

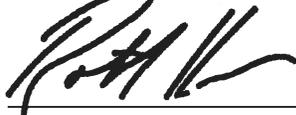
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Governor Greg Abbott
May 5, 2020

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ATTESTED BY:



RUTH R. HUGHS
Secretary of State

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MAY 05 2020

EXHIBIT

B



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 11, 2020

The Honorable James B. Frank
Chair, Committee on Human Services
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Whether golf courses may remain open during the COVID-19 disaster if local authorities require social distancing protocols and compliance with public health instructions

Dear Chairman Frank:

You ask for guidance on the interpretation of the Governor's Executive Order GA-14 and its impact on certain essential services and activities in Texas. In particular, you ask whether "golf courses, which serve as a forum for essential activity such as exercise, may remain open if local authorities require social distancing protocols and public health instructions be followed."¹

Some elements of golf course businesses may provide "essential services" under GA-14 and the federal CISA Guidance it adopts.² For example, restaurants at golf courses provide an essential service and may continue to provide take-out or delivery options.³ Landscapers and other workers who are necessary to maintain

¹ Letter from Honorable James B. Frank, Chair, House Committee on Human Services, to Honorable Ken Paxton, Tex. Att'y Gen. (Apr. 8, 2020).

² GA-14 adopts as essential services "everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0." Exec. Order No. GA-14 (Mar. 31, 2020) (hereafter "Exec. Order GA-14").

³ See Cybersecurity and Infrastructure Security Agency, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, *available at* <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce> ("CISA Guidance"). CISA Guidance provides that "essential services" include "restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees."

the safety and sanitation of the business are likewise essential.⁴ Such services may continue to operate, and employees performing those services may go to work at the golf course. Yet even when providing an essential service, golf courses “should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible.”⁵

However, other elements of golf course operations that do not involve services identified under GA-14 or the CISA guidance are not essential services. For example, golf course personnel, such as starters, marshals, and pro-shop staff, who do not provide essential services, must follow GA-14’s general rule: “minimize social gatherings and minimize in-person contact with people who are not in the same household.”⁶ These personnel may work remotely from home if possible, performing functions like taking tee times, monitoring the course, or posting instructions or updates on a web site. Thus, ongoing non-essential services of golf courses should be conducted remotely.

With regard to individuals that desire to play golf, GA-14 expressly allows “engaging in physical activity.”⁷ Golf is defined as a sport involving physical activity.⁸ While GA-14 expressly prohibits “visiting gyms,” it permits activities like “jogging and bicycling, 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 Similarly, a person is not prohibited from playing or practicing golf on property that remains open to the person (such as by holding a membership and/or reserving a tee time), but the person should follow the CDC guidelines pursuant to GA-14.

⁴ The CISA Guidance identifies landscapers and other service providers who are “necessary to maintaining the safety, sanitation, and essential operation of residences and businesses.” Such personnel could include groundskeepers and employees who maintain the safety, sanitation, and usability of the outdoor surfaces of the golf course grounds used for practice or play.

⁵ Exec. Order GA-14.

⁶ *Id.*

⁷ *Id.*

⁸ *Sport*, *Dictionary.com*, at <https://www.dictionary.com/browse/sport>. Golfing is defined as “the activity of playing golf[.]” *Golfing*, *Collins English Dict.*, available at <https://www.collinsdictionary.com/dictionary/english/golfing>; see also *Golf*, WIKIPEDIA, at <https://en.wikipedia.org/wiki/Golf> (last visited Apr. 10, 2020); *Sport*, WIKIPEDIA, at <https://en.wikipedia.org/wiki/Golf> (last visited Apr. 10, 2020).

⁹ Exec. Order GA-14.

Please note that this response is not an official opinion of the Office of the Attorney General issued under section 402.042 of the Texas Government Code, nor is it an exhaustive memorandum of law; rather, it is an informal letter of legal advice offered for the purpose of general guidance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Vassar', with a long horizontal line extending to the right.

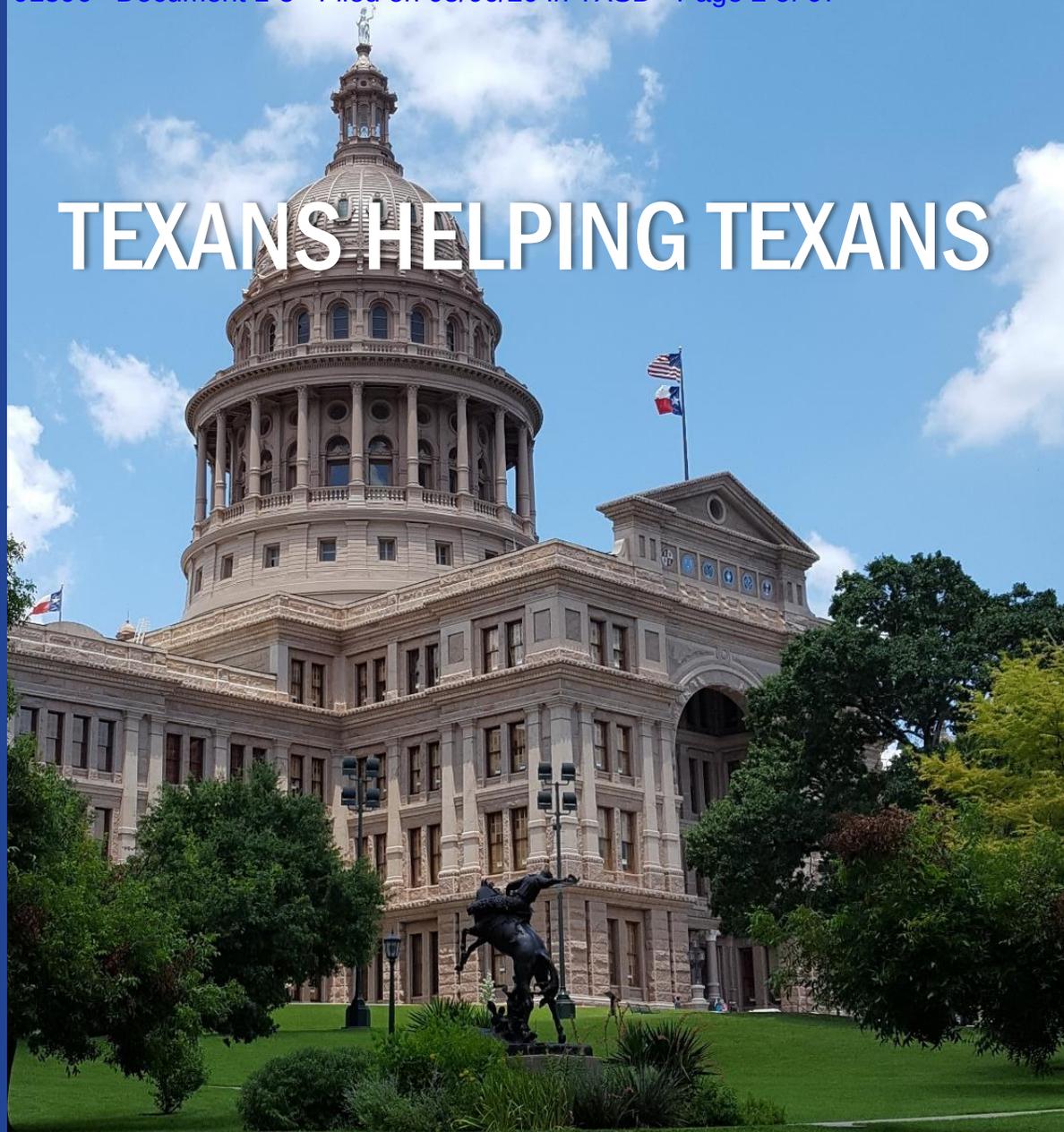
Ryan M. Vassar
Deputy Attorney General for Legal Counsel

EXHIBIT

C



TEXANS HELPING TEXANS



THE GOVERNOR'S REPORT TO **OPEN TEXAS**

APRIL 27, 2020



Texans are battling a colossal challenge—an invisible enemy that has tested our lives and our livelihoods—but overcoming challenges is part of who we are as Texans.

We have shown that Texas can continue our efforts to contain COVID-19 while also adhering to safe standards that will allow us to begin the process of opening this great state.

The Strike Force to Open Texas brings together nationally recognized medical experts with public- and private-sector business leaders to help achieve this mission.

But it will take more than experts to win this battle for our families, for our community, and for this great state.

We are each called upon to be Texans: to act responsibly as we re-engage in the economy, to continue following all health precautions and sanitizing guidelines, and to care for our vulnerable neighbors. Lives depend on our actions. I know you will respond as Texans.

That is why we are first and foremost focusing on protecting the most vulnerable among us, on nursing home mitigation measures, on ramping up testing, and on scaling up contact tracing of the unseen enemy.

We will be measured and cautious. Only with your help and with all of these measures in place can we begin to open businesses with careful adherence to health protocols.

By coming together, we can prevent the spread of COVID-19 and we can get Texas back to work.

With Texans helping Texans, we can overcome any challenge.

Governor Greg Abbott



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THE MISSION: TEXANS HELPING TEXANS

As established by Governor Greg Abbott on April 17, 2020, by [Executive Order GA-17](#):

Under the direction of Governor Abbott, with the advice of the Lieutenant Governor, Speaker of the House, Attorney General, and Texas Comptroller:

The Governor's Strike Force to Open Texas will safely and strategically restart and revitalize all aspects of the Lone Star State—work, school, entertainment, and culture.



The Governor's Strike Force to Open Texas brings together nationally recognized medical experts with public- and private-sector business leaders to achieve this mission.

The Chief Medical Advisors on the Strike Force are health experts who are developing a medical architecture to comprehensively test and trace COVID-19 to enable Texans to gradually and safely begin the process of returning to work and other activities.

The Chief Medical Advisors are working alongside a Special Advisory Council of 39 business leaders representing the state's regions and industries who are sharing innovative ideas to help businesses strategically open while containing the spread of COVID-19. The Council is collaborating with Working Groups to recommend strategies, statewide standards, and appropriate timeframes to open all sectors of the Lone Star State.

FROM JAMES HUFFINES, CHAIR

With Governor Abbott's leadership and the resilience of the people of Texas, we continue to make tremendous progress in the fight against COVID-19. Thanks to Texans working together to contain the spread of this virus, our state is now positioned to gradually open Texas for business.

The health and safety measures laid out by Governor Abbott and his Chief Medical Advisors on the Strike Force provide a smart and strategic game plan for Texans to safely return to work and daily activities. But we can only achieve our mission if every Texan plays their part and follows these measures. We all bear the responsibility to protect our health and the health of those around us. If we all work to fulfill that responsibility, we will open Texas for business and get Texans back to work, while at the same time containing the spread of COVID-19. These are difficult times, but when Texans work together we can overcome any challenge.



FROM THE CHIEF MEDICAL OFFICER

There is much we know about COVID-19.

We know it has had a devastating impact across our nation.

We know there is currently no vaccine to prevent COVID-19.

And we know the best way to prevent infection is to take steps to avoid exposure. We have seen this work in Texas, where Texans are taking actions to stop infections.

But there is much more to know.

Based on our current understanding, the virus that causes COVID-19 is thought to spread:

- Mainly from person to person;
- Between people who are in close contact with one another (within about 6 feet); and
- Via respiratory droplets when an infected person coughs or sneezes; these droplets can land in the mouths or noses of people who are nearby or possibly be inhaled.

People are thought to be most contagious early in their illness, but COVID-19 can be spread to others by infected persons even before they show any symptoms.

That is why we must remain cautious — to avoid further spread or a new outbreak.

As we begin to open Texas, we must continue to follow these critical health guidelines:

- **Stay home if you can.**
- **Wash hands often and for 20 seconds, or use hand sanitizer with at least 60% alcohol.**
- **Cover coughs and sneezes with a tissue, then throw the tissue away.**
- **Avoid touching your eyes, nose, and mouth with unwashed hands.**
- **Disinfect surfaces, buttons, handles, doorknobs, and other places touched often.**
- **Avoid close contact with people who are sick.**

Continue to practice social distancing, avoid crowds, and limit physical contact. The Centers for Disease Control and Prevention (CDC) also recommends using simple cloth face coverings in public to help slow the spread of the virus.

Special guidance for Texans over 65 is outlined on page 6, and for all Texans on page 8. Opening businesses have added responsibilities outlined beginning on page 19.

Every Texan is part of the solution. You can protect yourself, your family, and your community.

John William Hellerstedt, M.D., Chief Medical Officer
Commissioner, Texas Department of State Health Services



SPECIAL GUIDANCE FOR TEXANS OVER 65

People 65 years or older, especially people 65 years or older with medical issues like heart disease, diabetes, cancer, or a weakened immune system, are at a higher risk for getting very sick or dying from COVID-19. Every Texan is part of the solution. Strictly adhere to all [CDC guidelines](#), as well as all recommendations in this document.

1. STAY HOME IF YOU CAN

- Minimize face-to-face contact with others. Avoid young children.
- If someone is assisting you, you and your family members or caretaker should wear cloth face masks. Remember a family member or caretaker can give you the virus even if they don't appear to have symptoms.
- Try grocery or restaurant delivery, mail order prescriptions, and phone appointments with your doctor. **Call 2-1-1 if you need help with essentials.**
- Reach out to friends, family, or neighbors who can deliver essential items.

2. HELP SAVE LIVES

- If you must go out, wear a cloth face mask, and stay six feet away from others.
- Wash your hands often and for at least 20 seconds, or use hand sanitizer with at least 60% alcohol.
- Disinfect surfaces, buttons, handles, knobs, and other places touched often.
- Do not share dishes, drinking glasses, cups, or eating utensils with others.
- If you have mild symptoms (difficulty breathing, or a rapidly worsening cough or fever), call your healthcare provider. **If symptoms are severe, call 9-1-1.**

3. CHECK IN

- Check in regularly with neighbors, friends, and family by calling, texting, emailing, video chatting, or even writing letters.
- Walking, gardening, digital books, games, and online religious services are great ways to stay active and connected.



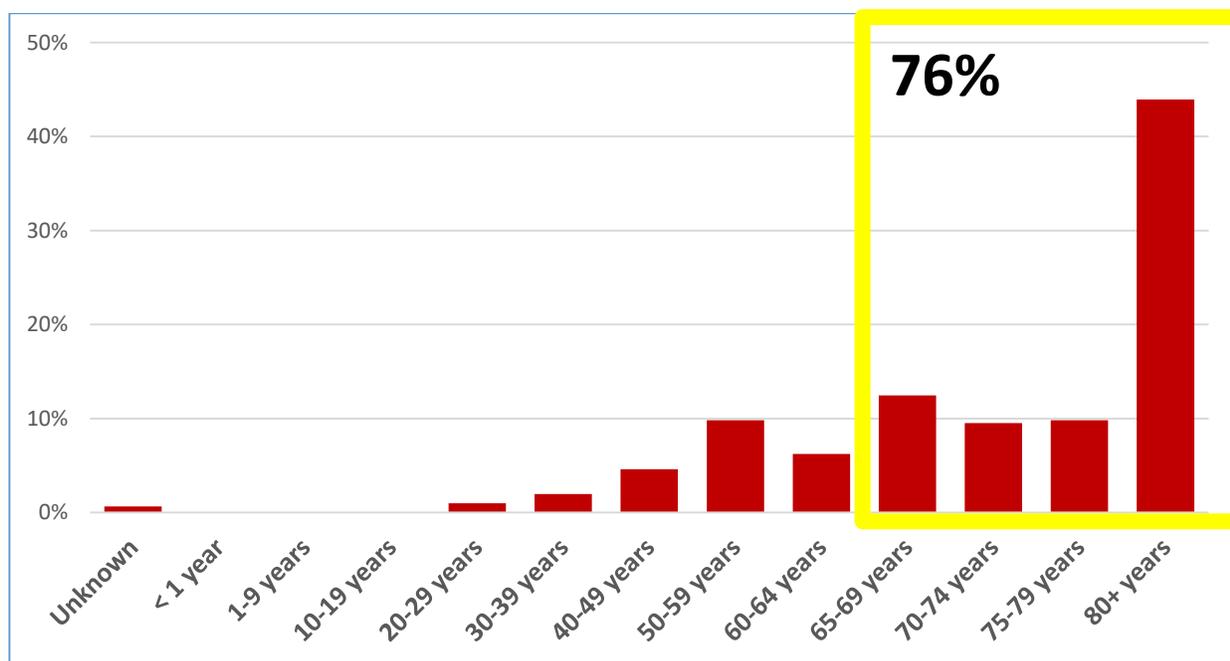
PROTECTING THE VULNERABLE

Texans 65 years of age or older are at a higher risk for getting very sick from COVID-19 and are especially urged to follow the special guidance.

Based on data from the Texas Department of State Health Services (DSHS), of confirmed COVID-19 fatalities in Texas to date, 76% were Texans 65 and older.

AGE GROUPING OF CONFIRMED COVID-19 FATALITIES IN TEXAS

From 305 completed fatality investigations received by DSHS as of 04/26/2020



For the latest data: <https://www.dshs.texas.gov/coronavirus/opentexas.aspx>



GUIDELINES FOR ALL TEXANS

We are each called upon to be Texans: to act responsibly as we re-engage in the economy, to continue following all health precautions and sanitizing guidelines, and to care for our vulnerable neighbors.

Lives depend on our actions.

Find out more about how you can take personal responsibility:

- **CDC Guidelines:** <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- **Prevention Steps:** <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/index.html>
- **Who Is At High Risk:** <https://youtu.be/LBHPUegGlpA>
- **Symptoms And Testing:** <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/index.html>
- **What To Do If You Are Sick:** <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- **Advice For Caregivers:** <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/care-for-someone.html>
- **Cleaning And Disinfecting Your Home:** <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>



LONG-TERM CARE: HHSC/DSHS COMPREHENSIVE MITIGATION PLAN

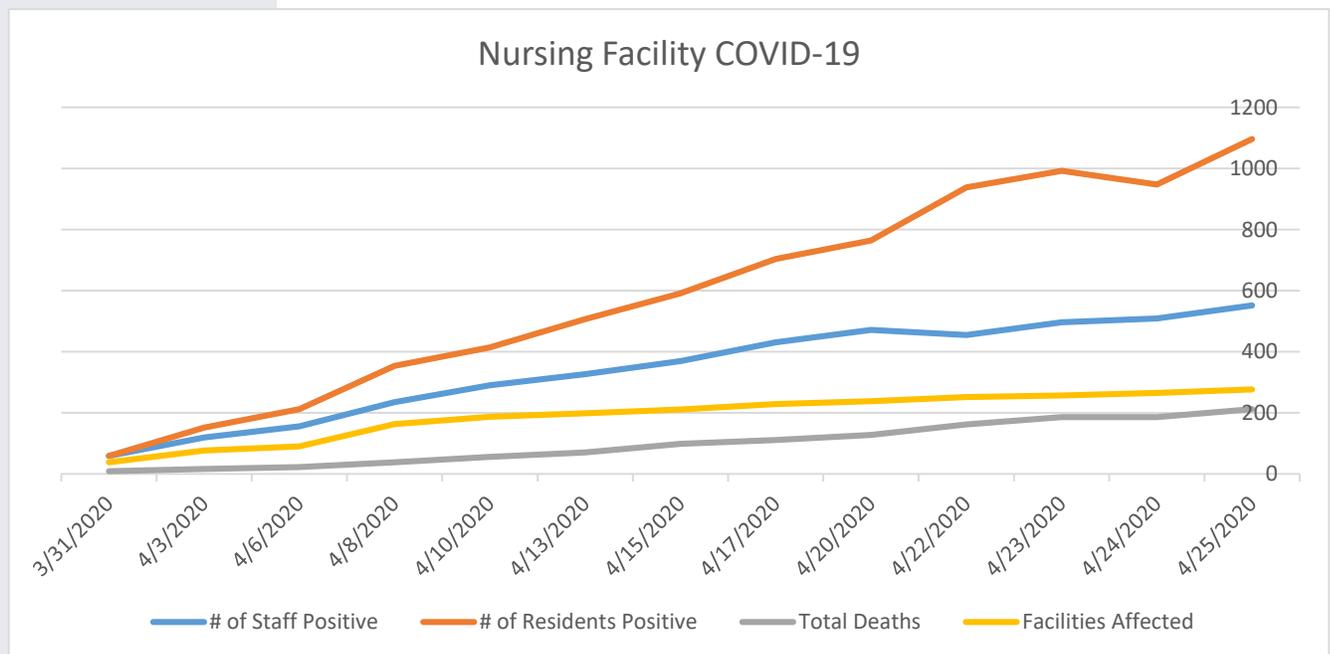
Introduction

Recent reports highlight the rapid increase of confirmed COVID-19 cases in nursing homes and assisted living communities in Texas. According to the Health and Human Services Commission (HHSC), approximately 19 percent of nursing homes and three percent of assisted living communities have reported positive cases.

There are 1,220 nursing facilities in Texas as of April 25, 2020. As of that date, Texas has 90,689 residents in nursing facilities across the state. The Texas Health Care Association estimates 150,000 staff work in these facilities across Texas, such as healthcare workers, auxiliary, and other staff.

HHSC has developed this comprehensive mitigation plan, including recommendations to help prevent the spread of COVID-19 cases in long-term care facilities. The recommendations set forth in this plan are strategies to help mitigate the further spread of COVID-19. These recommendations are designed to further decrease the risk for spread of infection of COVID-19 in nursing facilities. These recommendations are based on observation of effective and ineffective control methods in the field as this crisis has progressed.

COVID-19 in Nursing Facilities



**Recommendations – Nursing Facilities**

The number of infections of staff and residents in nursing facilities continues to grow. The number of fatalities of nursing facility residents continues to grow. Enhanced response and control measures are needed to ensure greater protection for those vulnerable Texans and their families.

A consistent and strong response is needed now to effectively bend the COVID-19 curve in these facilities. This order will ensure all nursing facilities engage in strong and comprehensive mitigation plans to control infection spread.

Recommendation 1: Quantify the extent of the infection immediately: The first step in the process is to know exactly what level of infection exists at a facility. Upon the first positive test result of a nursing facility staff member or resident, the facility shall work with local health authorities, DSHS, and HHSC to coordinate testing of nursing facility staff and residents. In addition, nursing facilities will have access to the Rapid Assessment Quick Response Force to provide rapid response and a medical triage team that can be deployable by DSHS through the Emergency Medical Task Force upon notification of a positive COVID-19 patient. If needed, an additional team can be sent to assist the facility with immediate needs.

Recommendation 2: Implement a comprehensive mitigation plan: First, the facility should immediately initiate measures to control the infection using best practices and CDC requirements. Second, as soon as any test results are available, the facility shall further implement a comprehensive mitigation plan that takes into account the extent of the test results and directly addresses all isolation, infection control, staffing, and other operational aspects of the facility. The mitigation plan must address the specific level of infection that is discovered in that facility.

Recommendation 3: Re-evaluate current COVID-19 positive facilities: Those currently positive facilities that have not completed comprehensive testing will need to conduct an assessment of their current infection levels and consult with local health authorities, DSHS, and HHSC to coordinate testing of nursing facility staff and residents. The facility will then develop and implement a comprehensive mitigation plan with any additional testing results taken into consideration.

This will require the state regulatory and public health experts, local public health partners, and health system partners to engage with the nursing facility to ensure that collection kits are available, and that testing is conducted quickly and efficiently, so that the comprehensive mitigation plan is implemented immediately.

Recommendation 4: Appropriate isolation and placement of COVID-19 patients: The comprehensive mitigation plans should first and foremost focus on complete containment of the infection level present at that facility. The residents who are positive need to be isolated in the most effective manner available such as removal to a different facility (possibly a COVID-19 positive dedicated facility) or removal to an isolated wing of their facility. The facility should also place limitations on movement of positive residents within the facility, as well as relocate any residents to designated COVID-19 negative areas/wings.

Recommendation 5: Implement enhanced access controls to the facility: The mitigation plan shall manage and control access to the facility by the healthcare partners who frequent the facility and any other individuals providing critical services in the facility. The plan should keep individuals from interacting with both positive



and non-positive patients. This should include complete limitations on any unnecessary visitations, enhanced screening and decontamination techniques, and limited access to the facility through special entrances to control infection.

Recommendation 6: Enhance control of staff access to the facility: To the greatest extent possible, facilities should discourage staff and employees from working at multiple facilities. This is not a prohibition, which could lead to further staffing shortages, but additional control measures should be taken, and, in some circumstances, limitations are necessary. Facilities should establish very clear definitions, roles, and requirements for each different type of clinical or staffing partner which is employed by or provides services within a nursing facility. The screening criteria above should reflect the risk factors for each type of partner. Additionally, facilities should strengthen existing protocols for third party providers who “come and go” to deliver services at other facilities, ensuring the use of a separate entrance and exit, decontamination practices, and greater screening criteria or restrictions if a person has been at a facility with COVID-19 positive results.

Recommendation 7: Effective notifications: The facility shall implement immediate measures to inform all who interact (or may have recently interacted) with a facility with positive patient(s) so that further limitations can be enacted to control the spread of infection to residents, family members, medical staff, therapists, and other service providers who may frequent the facility. This needs to be done in strict adherence to CDC guidelines, DSHS guidance, the Centers for Medicare and Medicaid (CMS) guidance, and the HHSC Nursing Facility Response Plan.

Recommendation 8: Continue prevention efforts in facilities that do not have an infection: Facilities that do not have a positive detection to-date will continue to undergo infection control assessments and enhancements in compliance with guidance from CDC guidelines, DSHS guidance, the Centers for Medicare and Medicaid (CMS) guidance, and the HHSC Nursing Facility Response Plan. HHSC staff will engage with local facilities to provide additional support and help identify any required changes or enhancements to infection control strategies/procedures to minimize the risk of introducing COVID-19 into the facility.

This plan requires strong partnership and engagement between all local and state officials. Upon a positive test result, the nursing facility must notify and work with local public health department officials, HHSC regulatory staff, and DSHS public health experts to seek input so that the comprehensive mitigation plan is in compliance with this order. Nursing facilities must also adhere to reporting requirements established by CMS.

DSHS and HHSC will develop additional guidance to other long-term care facilities (such as assisted living facilities and intermediate care facilities and others) to enhance infection control standards in those facilities. Finally, agency staff will develop the standards for recovery for staff and residents in a long-term care facility, which will inform any modifications to mitigation strategies and the need for any further testing.



TESTING TEXAS

Testing is the foundation on which the plan to open Texas is built. Testing can identify critical hotspots, catch outbreaks before they spread, and indicate where support is needed most.

The level of testing needed to fight — and defeat — COVID-19 is unprecedented in history and poses a great challenge, but Texas will rise to that challenge, knowing that the health and safety of our neighbors, our first responders, and our loved ones depends on it.

In order to open Texas, we are testing widely and often. Testing and tracing of COVID-19 relies on nucleic acid detection (pcr) for acute infection. **Texas has maximized testing capacity to perform 15,000 – 20,000 tests a day, with a goal to reach 30,000 per day in the near term with rapid turnaround.**

These efforts span from our biggest cities to our smallest towns, reaching young and old alike. From community colleges to retail parking lots, Texas is standing up a statewide testing operation equal to the spread and severity of the disease.

More than 300 sites across the state are now listed on the state website.

At least 17 mobile drive-thru teams have been trained and deployed by the Texas Military Department primarily to serve rural areas, in order to offer state-supported testing in every Texas county. Texas will have 25 fully operational mobile testing teams before the end of April. Their service, like the service of those on the frontlines of our hospitals and nursing facilities, will help keep Texans safe as we open the state.

The State's testing policy is aligned with CDC guidance and directed by DSHS. Testing is currently focused specifically on hospitalized patients, those in long-term care facilities, healthcare workers and first-responders, and Texans over the age of 65.

As resources allow, individuals with mild symptoms could also be tested.

At this time, it is imperative to focus testing on those who need it most — both symptomatic people and Texans at high risk, like nursing home residents and healthcare workers. **The State is not recommending that individuals without symptoms just get a test to check the result. CDC and DSHS testing strategy is being followed.**

As testing in Texas is rapidly expanded, **Texans can go online to check their symptoms to learn if they should be tested for COVID-19, and where to go to get tested at www.texas.gov.** The ability to quickly search an interactive map to find the nearest testing location, including hours and directions, will ensure that those Texans most in need of testing can access it easily, while protecting the health of those around them.

COVID-19 is a formidable enemy, but Texans don't shrink from a fight. By continuing to focus on and expand our testing capabilities, Texas is surely and steadily winning that fight.



TEXAS ACTIONS TO INCREASE AVAILABILITY OF COVID-19 TESTING

OVERVIEW

The Texas Department of State Health Services (DSHS), the Texas Division of Emergency Management (TDEM), the Governor's Supply Chain Strike Force, and Texas Military Department are working on several fronts to continuously expand access to COVID-19 testing throughout the state. These efforts are in the following categories:

- Identifying and maximizing current laboratory capacity.
- Producing, procuring and distributing testing supplies needed to collect and transport specimens to a testing laboratory: collection swabs and transport media. Texas Tech University Health Sciences Center has begun making vial transport media.
- Expanding laboratory capacity, including at the DSHS laboratory and through new testing platforms, such as Abbott Labs ID Now. Texas Veterinary Medical Diagnostic Lab gained CLIA certification to begin running COVID-19 testing.
- Using the Texas Military Department teams to establish mobile collection sites.
- Creating an interactive map of test collection locations across the state.
- Developing a testing strategy for the state.

This partnership among state agencies and the Supply Chain Strike Force is continuing to identify and determine how to operationalize these strategies.

EXPANDED PUBLIC HEALTH TESTING

DSHS Austin Laboratory Capacity

- DSHS Public Health Laboratory has implemented a new type of COVID-19 test from PerkinElmer. This occurred the week of April 13, 2020.
- This allows the laboratory to increase specimen processing to as much as 800 per day. The previous maximum number of daily tests was 150.
- This adjustment also means that the DSHS laboratory is pulling laboratory supplies from a different resource pool than the other public health laboratories.
- DSHS will use this laboratory capacity to:
 - Back up public health laboratories if they run out of supplies or reagents or are running a backlog
 - Test for outbreaks in long-term care facilities and congregate settings

Public Health Testing Criteria

- The Texas public health testing criteria matches [federal testing criteria](#). The updated criteria includes:
 - Asymptomatic first responders and asymptomatic healthcare workers
- DSHS is also finalizing testing guidance specific to long-term care outbreaks.
 - DSHS will use its capacity to support this effort.



LABORATORY SUPPLY ACQUISITION

Supply Chain Strike Force

- The Governor's Supply Chain Strike Force continues working with TDEM and DSHS to acquire and distribute testing supplies, including:
 - Collection swabs to take specimens from a person being tested
 - Transport media to preserve the specimens while en route to a lab
 - Testing reagents for laboratories to process the specimens

ABBOTT LABORATORIES ID NOW

Private Distribution

- Abbott Laboratories has indicated it is distributing its test cartridge production directly to hospitals and facilities in Texas.

Public Health Distribution

- Separately, DSHS received 30 Abbott Labs ID Now point-of-care testing meters and a supply of test kits, which each test 24 people.
- Abbott Labs ID Now machines were distributed to public health labs across the state.
- After a second shipment of test kits on April 14, DSHS distributed the remaining test kits and machines.
- DSHS transferred the remaining ID Now meters to allow local partnerships with entities already receiving test kits as part of Abbott Laboratories' private distributions:
- Abbott Laboratories has stated it will continue delivering test kits. Both DSHS and other Texas public health labs are requesting additional kits regularly.

TEXAS MILITARY DEPARTMENT ROVING TEST COLLECTION SITES

- TMD has activated 1,165 personnel to enhance the state's testing capacity. This includes 25 teams to conduct community-based fixed and mobile testing collection sites. Seventeen teams are currently conducting tests as of April 26; eight teams are scheduled to complete their training by April 30.
 - Their efforts will focus in part on rural areas of the state and on areas of the state with less access to testing.
- TDEM and DSHS are working with the Texas Military Department to support this effort with:
 - Personal Protective Equipment
 - Training
 - Collection swabs
 - Policy and operational guidance



- The Texas Department of Public Safety, Texas Parks and Wildlife Department, Texas A&M Engineering Extension Service, and Texas A&M AgriLife Extension are transporting swabs from testing collection sites to laboratories for testing.
- UT-Medical Branch and UT-Southwestern are supporting this effort through laboratory testing.
- As of April 26, TMD has conducted initial deployments in 48 counties, and is working to offer state-supported testing in every Texas county.

FEDERAL-SUPPORTED DRIVE THRU TEST COLLECTION SITES

- Since early in the response, FEMA has supported drive-thru testing locations throughout the state.
- FEMA support enabled local jurisdictions to set up drive-thru testing sites in Bexar County, Dallas County, El Paso County, Harris County, and Travis County.
- DSHS is also offering testing capacity through its lab to allow the El Paso drive thru site to increase testing levels.

STATEWIDE COVID-19 TEST COLLECTION MAP

- TDEM and DSHS recently established a COVID-19 Test Collection Site Finder on www.texas.gov.
- The functionality will allow Texans to enter their address and find testing locations near them.
- There are currently over 300 locations available on the site.

STATE TESTING STRATEGY GOING FORWARD

- State government will focus on three primary areas:
 - Increase access and awareness to testing
 - Increase lab capacity through the use of public labs
 - Drive focused strategies for the high-risk and vulnerable population
- State government will work with the private sector in the following ways:
 - Work with the private labs allocate capacity to support testing
 - Assess new test innovations for use in Texas
 - Enable virtual care through use of technology
- Antibody testing is being investigated in Texas and across the nation. The State will be working with the CDC and other federal health authorities on this important issue as the science develops.



DSHS STATEWIDE CONTACT TRACING PROGRAM FOR TEXAS

Statewide Contact Tracing Program for Texas

As Texas opens and individuals return to work, it is imperative that public health authorities identify not only those who are ill with COVID-19 but also those individuals who have come in contact with a person who is ill. This contact tracing allows public health authorities to identify individuals who are also ill and who may not realize their symptoms are COVID-19 related, and others who are not symptomatic but need to be educated on how to monitor for symptoms and isolate if symptoms occur. Testing identifies individuals who need to isolate. Contact tracing is a core function of public health. Coordination between state and local public health officials is fundamental to contact tracing success. This ongoing pattern will box in the disease and will slow and can even stop further spread.

Critical Elements

Successful implementation of statewide contact tracing efforts is dependent on several critical elements: workforce recruitment and training; IT infrastructure; coordination with local health entities; and communication.

Implementation

DSHS is implementing statewide COVID-19 contact tracing in phases. This phased approach will build upon existing contact tracing efforts and allows DSHS to begin implementation more quickly as the first phase can be up and running while DSHS is bringing up additional phases.

PHASE I – Completed by April 27, 2020

- Assemble a team, including all necessary disciplines
- Create work plans and identify project leads
- Create training for workforce
- Recruit, train, and mobilize 1,157 state and local contact tracers
- Procure contact tracing IT application:
 - Self-checker
 - Ability for public to self-report
 - Testing location information
 - Data collection and management
 - Reporting and visualization
- Stand-up COVID-19 contact tracing call center
- Initiate communication with local health entities

PHASE II – Initiate by April 27, 2020

- Add an additional 1,000 contact tracers:
 - Schools of Public Health
 - Community Health Workers
 - Medical and Nursing Students
 - Public School Nurses
- Deploy contact tracing application statewide
- Deploy self-reporting solution
- Launch COVID-19 contact tracing call center
- Initiate communication plan for the public to obtain information and self-report symptoms
- Identify and train additional workforce



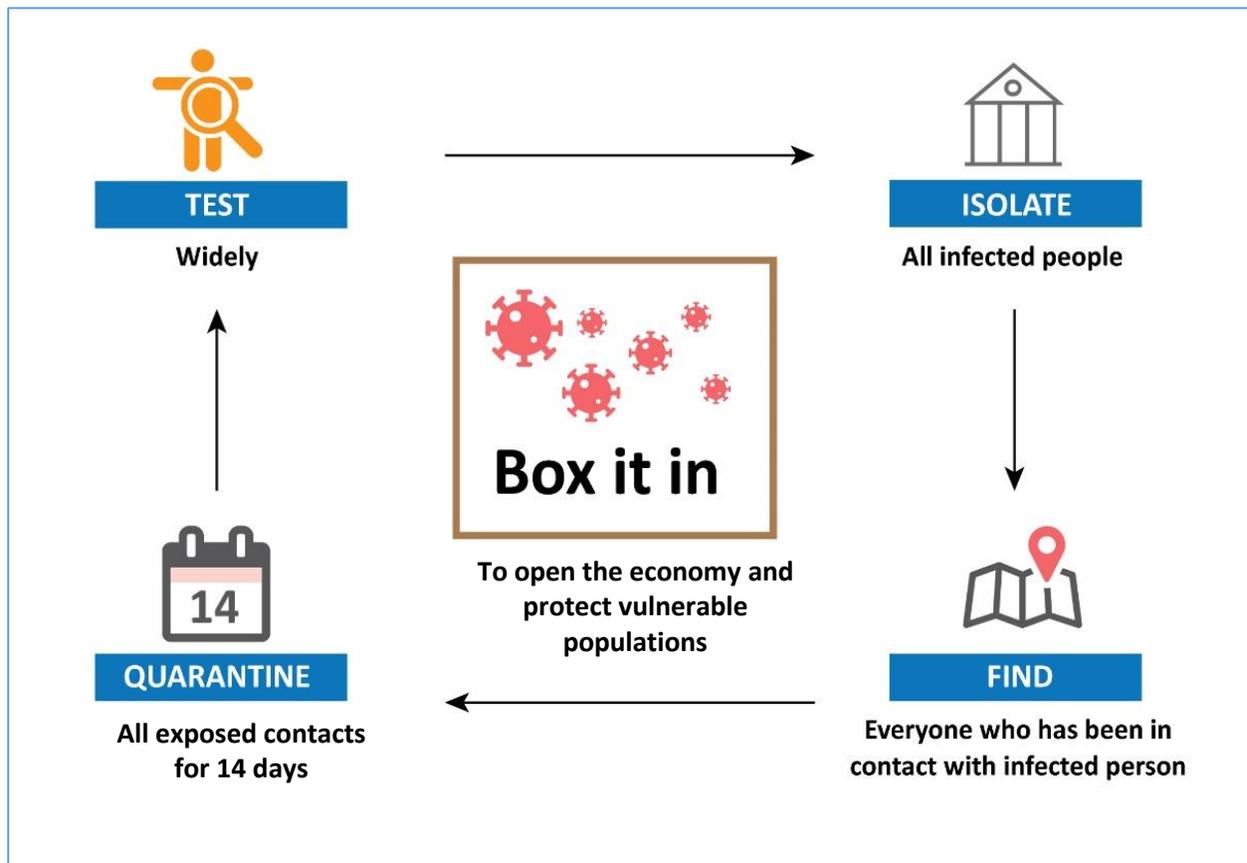
PHASE III – Initiate by May 11, 2020

- Fully mobilize contact tracing workforce of up to 4,000
- Expand contact tracing application to local health entities
- Continued support of contact tracing call center

Key Considerations

- Expanded testing
- Isolation – wrap-around support
- Protect vulnerable populations
- Engage communities
- Strengthen partnership with local health entities

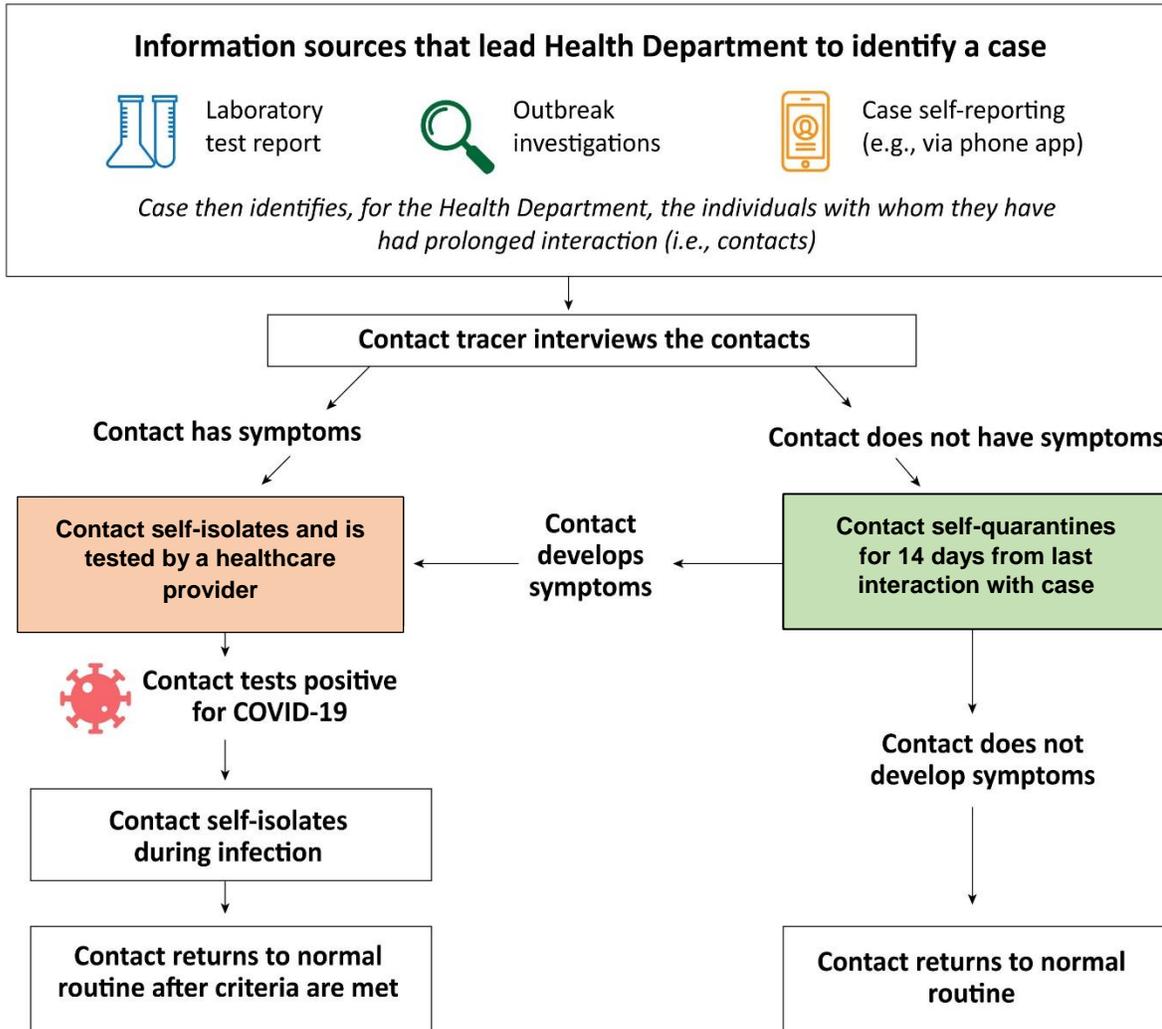
BOXING IT IN



Adapted from: Fraser, Michael, et al. A Coordinated, National Approach to Scaling Public Health Capacity for Contact Tracing and Disease Investigation. Association of State and Territorial Health Officials, 2020.



HOW CONTACT TRACING WORKS





STEPS TO OPEN TEXAS BUSINESSES

The virus that causes COVID-19 can be spread to others by infected persons who appear to have few or no symptoms.

Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk.

Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols on the following pages, all of which will support a safe and measured reopening of Texas.

The virus that causes COVID-19 is still circulating in our communities.

We should continue to observe practices that protect everyone, including those who are most vulnerable.

Individuals, employers, employees, and customers are encouraged to review, print out, and follow the MINIMUM health protocols recommended by DSHS in the checklists on the following pages, in addition to federal and state employment laws and workplace safety standards. The DSHS minimum recommended health protocols are subject to change based on new and evolving information.

Additional information resources for businesses:

- **CDC Guidelines:** <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- **ADA:** https://www.ada.gov/emerg_prep.html
- **OSHA:** <https://www.osha.gov/SLTC/covid-19/>

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR ALL INDIVIDUALS

Page 1 of 1

In accordance with Governor Abbott’s executive order GA-18, the following are the minimum recommended health protocols for all individuals in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- Maintain at least 6 feet separation from other individuals not within the same household. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a business for any of the following new or worsening signs or symptoms of possible COVID-19:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	
- Wash or disinfect hands upon entering a business and after any interaction with employees, other customers, or items in the business.
- Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a business, or when within 6 feet of another person who is not a member of the individual’s household. If available, individuals should consider wearing non-medical grade face masks.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR ALL EMPLOYERS

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In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all businesses choosing to operate in Texas. Employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Employers should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Employers should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for your employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into the business:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:

– Cough	– Sore throat
– Shortness of breath or difficulty breathing	– Loss of taste or smell
– Chills	– Diarrhea
– Repeated shaking with chills	– Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
– Muscle pain	– Known close contact with a person who is lab confirmed to have COVID-19
– Headache	
 - Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed

MINIMUM STANDARD HEALTH PROTOCOLS



ALL EMPLOYERS: Page 2 of 2

since recovery (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or

- In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the business.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.
- Consistent with the actions taken by many employers across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the business to remind everyone of best hygiene practices.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR RETAILERS

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As outlined in Governor Abbott's executive order GA-18, non-essential retailers may operate up to 25% of the total listed occupancy. In addition, non-essential retailers may operate through pickup, delivery by mail, or delivery to the customer's doorstep. Shopping malls may operate at up to 25% of the total listed occupancy of the shopping mall, but shopping mall food court dining areas, play areas, and interactive displays and settings must remain closed.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all retailers choosing to operate in Texas. Retailers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Retailers should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Retailers should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Retailers are encouraged to consider dedicating a certain period of time each day for only at-risk customers¹ or deliver purchased goods to vehicles to reduce the need for at-risk customers to enter the store.
- If practical, monitor what items customers touch to clean or disinfect when the customer leaves the retail establishment.
- Contactless payment is encouraged. Where not available, contact should be minimized.

¹ At-risk customers are those who are 65 or older, especially those with chronic lung disease; moderate to severe asthma; chronic heart disease; severe obesity; diabetes; chronic kidney disease undergoing dialysis; liver disease; or weakened immune system

MINIMUM STANDARD HEALTH PROTOCOLS



RETAILERS: Page 2 of 3

Health protocols for your retail employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into the retailer:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
 - Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
 - Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the retailer.

MINIMUM STANDARD HEALTH PROTOCOLS



RETAILERS: Page 3 of 3

- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.
- Consistent with the actions taken by many retailers across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your retail facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the retailer to remind everyone of best hygiene practices.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR RETAIL CUSTOMERS

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In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all retail customers. These protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for retail customers:

- Self-screen before going into a retailer for any of the following, and do not go into a retailer with any of the following symptoms:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	
- Wash or disinfect hands upon entering a retailer and after any interaction with employees, other customers, or items in the retailer.
- Maintain at least 6 feet separation from other individuals not within the same household. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Wash or sanitize hands after the payment process.
- Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a retailer, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR RESTAURANTS

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As outlined in Governor Abbott's executive order GA-18, restaurants may operate for dine-in service up to 25% of the total listed occupancy of the restaurant, and may not offer valet services except for vehicles with placards or plates for disabled parking. As used in executive order GA-18, this applies only to restaurants that are not required to post the 51% sign required by the Texas Alcoholic Beverage Commission. Restaurants may continue to provide to-go or delivery services.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all restaurants choosing to operate in Texas. Restaurants may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Restaurants should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Restaurants should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Parties maintain at least 6 feet distance apart from other parties at all times, including while waiting to be seated in the restaurant.
- Make a hand sanitizing station available upon entry to the restaurant.
- No tables of more than 6 people.
- Dining:
 - Do not leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table
 - Provide condiments only upon request, and in single use (non-reusable) portions.
 - Use disposable menus (new for each patron)
 - If a buffet is offered, restaurant employees serve the food to customers.
- Contactless payment is encouraged. Where not available, contact should be minimized.

MINIMUM STANDARD HEALTH PROTOCOLS



RESTAURANTS: Page 2 of 3

Health protocols for your employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
 - Screen employees before coming into the restaurant:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:
 - Cough
 - Shortness of breath or difficulty breathing
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - Loss of taste or smell
 - Diarrhea
 - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - Known close contact with a person who is lab confirmed to have COVID-19
 - Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
 - Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the restaurant, and between interactions with customers.

MINIMUM STANDARD HEALTH PROTOCOLS



RESTAURANTS: Page 3 of 3

- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced
- Consistent with the actions taken by many restaurants across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Consider having an employee manage and control access to the restaurant, including opening doors to prevent patrons from touching door handles.
- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, and chairs.
- Regularly and frequently clean restrooms, and document the cleanings.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the restaurant to remind everyone of best hygiene practices.
- Clean and disinfect the area used for dining (table, etc.) after each group of customers depart, including the disinfecting of tables, chairs, stalls, and countertops.
- Clean and sanitize restaurants daily.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR RESTAURANT CUSTOMERS

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In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all restaurant customers in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for restaurant customers:

- Maintain at least 6 feet separation from other individuals not within the same party. If such distancing is not feasible, other measures such as face covering when not sitting at the table, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a restaurant for any of the following new or worsening signs or symptoms of possible COVID-19:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	
- Wash or disinfect hands upon entering a restaurant and after any interaction with employees, other customers, or items in the restaurant.
- No tables of more than 6 people.
- Customers should wash or sanitize their hands after the payment process.
- Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when not at the table, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR MOVIE THEATERS

Page 1 of 3

As outlined in Governor Abbott's executive order GA-18, movie theaters may operate up to 25% of the total listed occupancy of any individual theater for any screening.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all movie theaters choosing to operate in Texas. Movie theaters may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Movie theaters should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Movie theaters should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your customers:

- Movie theaters are encouraged to utilize remote ticketing options to help manage capacity limitations.
- Ensure proper spacing between patrons in the movie theater:
 - Keep at least two empty seats (or six feet separation) between parties in any row, except as follows:
 - Two or more members of the same household can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
 - Two individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
 - Alternate rows between customers (every other row left empty).
 - Disinfect seats and frequently touched areas between screenings.
- For movie theaters providing food service to patrons:
 - Do not leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table.

MINIMUM STANDARD HEALTH PROTOCOLS



MOVIE THEATERS: Page 2 of 3

- Provide condiments only upon request, and in single use (non-reusable) portions.
- Clean and disinfect the area used for dining (table, etc.) after each group of customers depart the theater.
- Use disposable menus (new for each patron).
- If the theater allows customers to write down their food orders inside the theater, provide take-home pencils and notepads that cannot be used by other customers.
- Have wait staff sanitize or wash hands between interactions with customers.
- Movie theaters with counter food service for patrons:
 - Provide condiments or flatware only in single use, individually-wrapped items, and provide condiments only upon request.
 - Have employees follow proper food-handling protocols.
 - Disinfect any items that come into contact with customers.
- Contactless payment is encouraged. Where not available, contact should be minimized.

Health protocols for your theater employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into the movie theater:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:

- Cough	- Sore throat
- Shortness of breath or difficulty breathing	- Loss of taste or smell
- Chills	- Diarrhea
- Repeated shaking with chills	- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Muscle pain	- Known close contact with a person who is lab confirmed to have COVID-19
- Headache	
 - Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed

MINIMUM STANDARD HEALTH PROTOCOLS



MOVIE THEATERS: Page 3 of 3

since recovery (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or

- In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
- If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.

- Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the movie theater, and between interactions with customers.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.
- Consistent with the actions taken by many businesses across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your theater facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the movie theater to remind everyone of best hygiene practices.
- Clean and disinfect the area used for dining (table, etc.) after each group of customers depart, including the disinfecting of tables, chairs, stalls, and countertops.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR MOVIE THEATER CUSTOMERS

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In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all movie theater customers. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for theater customers:

- Maintain at least 6 feet separation from other individuals who are not attending the movie together. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a movie theater for any of the following new or worsening signs or symptoms of possible COVID-19:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	
- Wash or disinfect hands upon entering a movie theater and after any interaction with employees, other customers, or items in the movie theater.
- Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a movie theater, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.
- Wash or sanitize hands after the payment process.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR MUSEUMS AND LIBRARIES

Page 1 of 2

As outlined in Governor Abbott's executive order GA-18, museums and libraries may operate up to 25% of the total listed occupancy, and must close any components of the museum or library that have interactive functions or exhibits, including child play areas. Local public museums and libraries may operate only if permitted by the local government.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all museums and libraries choosing to operate in Texas. Museums and libraries may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Museums and libraries should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Museums and libraries should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for your employees:

- Train all employees on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees before coming into the museum or library:
 - Send home any employee who has any of the following new or worsening signs or symptoms of possible COVID-19:

<ul style="list-style-type: none"> - Cough - Shortness of breath or difficulty breathing - Chills - Repeated shaking with chills - Muscle pain - Headache 	<ul style="list-style-type: none"> - Sore throat - Loss of taste or smell - Diarrhea - Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit - Known close contact with a person who is lab confirmed to have COVID-19
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- Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee who was diagnosed with COVID-19, the individual may return to

MINIMUM STANDARD HEALTH PROTOCOLS



MUSEUMS AND LIBRARIES: Page 2 of 2

work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or

- In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees wash or sanitize their hands upon entering the museum or library, and between interactions with visitors.
- Have employees maintain at least 6 feet separation from other individuals. If such distancing is not feasible, measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced
- If an employer provides a meal for employees, employers are recommended to have the meal individually packed for each employee.
- Consistent with the actions taken by many businesses across the state, consider having all employees wear cloth face coverings (over the nose and mouth). If available, employees should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with visitors.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and visitors.
- Place readily visible signage at the facility to remind everyone of best hygiene practices.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR ALL MUSEUM AND LIBRARY VISITORS Page 1 of 1

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all museum and library visitors in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for museum and library visitors:

- Maintain at least 6 feet separation from other individuals not attending the museum or library together. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Self-screen before going into a museum or library for any of the following, new or worsening signs or symptoms of possible COVID-19:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit.
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	
- Wash or disinfect hands upon entering a museum or library and after any interaction with employees, other visitors, or items in the museum or library.
- Consistent with the actions taken by many individuals across the state, consider wearing cloth face coverings (over the nose and mouth) when entering a museum or library, or when within 6 feet of another person who is not a member of the individual's household. If available, individuals should consider wearing non-medical grade face masks.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR OUTDOOR SPORTS PARTICIPANTS

Page 1 of 1

As outlined in Governor Abbott's executive order GA-18, individuals may engage in outdoor sports, provided that the sports do not include contact with other participants, and no more than four participants play the sport at any time. Please note, under executive order GA-18, individuals shall avoid public swimming pools.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all individuals engaging in outdoor sports in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for outdoor sports participants:

- Self-screen before playing in an outdoor sport for any of the following, new or worsening signs or symptoms of possible COVID-19:
- | | |
|--|---|
| <input type="checkbox"/> Cough | <input type="checkbox"/> Sore throat |
| <input type="checkbox"/> Shortness of breath or difficulty breathing | <input type="checkbox"/> Loss of taste or smell |
| <input type="checkbox"/> Chills | <input type="checkbox"/> Diarrhea |
| <input type="checkbox"/> Repeated shaking with chills | <input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit |
| <input type="checkbox"/> Muscle pain | <input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19 |
| <input type="checkbox"/> Headache | |
- Special consideration for golf courses:
- Clean and sanitize golf carts and push carts between uses.
 - Except for members of the same household, no more than one individual per golf cart.
 - Clean and disinfect driving range golf balls between use.
 - Ensure separation of at least 6 feet between golfers on the driving range.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR CHURCHES/PLACES OF WORSHIP

Page 1 of 3

The Office of the Attorney General and the Office of the Governor have been providing joint guidance regarding the effect of executive orders on religious services conducted in churches, congregations, and places of worship. Below is an excerpt from the joint guidance for executive order GA-18, issued on April 27, 2020. The same minimum standard health protocols would apply to funeral services, burials, and memorials.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all churches, congregations, and places of worship in Texas. Churches, congregations, and places of worship may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans. The same minimum standard health protocols would apply to funeral services, burials, and memorials.

We know now that the virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Churches, congregations, and places of worship should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Churches, congregations, and places of worship should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for serving your attendees:

- Strongly encourage the at-risk population² to watch or participate in the service remotely.
- Designate an area inside the facility reserved for the at-risk population, or offer a service for at-risk population attendees only.
- Ensure proper spacing between attendees:
 - Keep at least two empty seats (or six feet separation) between parties in any row, except as follows:
 - Two or more members of the same household can sit adjacent to one another, with two seats (or six feet separation) empty on either side.

² At-risk population are those who are 65 or older, especially those with chronic lung disease; moderate to severe asthma; chronic heart disease; severe obesity; diabetes; chronic kidney disease undergoing dialysis; liver disease; or weakened immune system

MINIMUM STANDARD HEALTH PROTOCOLS



CHURCHES/PLACES OF WORSHIP: Page 2 of 3

- Two individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
- Alternate rows between attendees (every other row left empty).

Health protocols for your employees and volunteers:

- Train all employees and volunteers on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees and volunteers before coming into the church, congregation, or place of worship:
 - Send home any employee or volunteer who has any of the following new or worsening signs or symptoms of possible COVID-19:

- Cough	- Sore throat
- Shortness of breath or difficulty breathing	- Loss of taste or smell
- Chills	- Diarrhea
- Repeated shaking with chills	- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Muscle pain	- Known close contact with a person who is lab confirmed to have COVID-19
- Headache	
 - Do not allow employees or volunteers with the new or worsening signs or symptoms listed above to return to work until:
 - In the case of an employee or volunteer who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed *since symptoms first appeared*; or
 - In the case of an employee or volunteer who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee or volunteer has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.

MINIMUM STANDARD HEALTH PROTOCOLS



CHURCHES/PLACES OF WORSHIP: Page 3 of 3

- Do not allow an employee or volunteer with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees or volunteers wash or sanitize their hands upon entering.
- Have employees or volunteers maintain at least 6 feet separation from other individuals. If such distancing is not feasible, then other measures including face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consistent with the actions taken by many churches, congregations, and places of worship across the state, consider having employees, volunteers, and attendees wear cloth face coverings (over the nose and mouth). If available, they should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect seats between services.
- Disinfect any items that come into contact with attendees.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
- Place readily visible signage to remind everyone of best hygiene practices.
- If a church or place of worship provides meals for employees, volunteers, or attendees, they are recommended to have the meals individually packed for each employee, volunteer, or attendee.
- Maintain rigorous sanitation practices like disinfection, handwashing, and cleanliness when preparing or serving anything edible.

MINIMUM STANDARD HEALTH PROTOCOLS



CHECKLIST FOR SINGLE-PERSON OFFICES

Page 1 of 2

As outlined in Governor Abbott's executive order GA-18, services provided by an individual working alone in an office may operate.

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all single-person offices. Employers may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees and customers.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Businesses should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Businesses should also be mindful of federal and state employment laws and workplace safety standards.

Health protocols for single-person offices:

- Be trained on all appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Self-screen before coming into the office:
 - Do not go into the office with new or worsening signs or symptoms of possible COVID-19:

– Cough	– Sore throat
– Shortness of breath or difficulty breathing	– Loss of taste or smell
– Chills	– Diarrhea
– Repeated shaking with chills	– Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
– Muscle pain	– Known close contact with a person who is lab confirmed to have COVID-19
– Headache	
 - Do not allow employees with the new or worsening signs or symptoms listed above to return to work until:

In the case of an employee who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed since recovery (resolution of fever without the use of fever-reducing medications); and the individual has improvement in respiratory symptoms (e.g., cough, shortness of breath); and at least 7 days have passed since symptoms first appeared; or

MINIMUM STANDARD HEALTH PROTOCOLS



SINGLE-PERSON OFFICES: Page 2 of 2

- In the case of an employee who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
 - If the employee has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an employee with known close contact to a person who is lab-confirmed to have COVID-19 to return to work until the end of the 14 day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Wash or sanitize their hands upon entering the business.
- Maintain at least 6 feet separation from other individuals. If such distancing is not feasible, other measures such as face covering, hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- Consistent with the actions taken by many businesses across the state, consider wearing a cloth face covering (over the nose and mouth) upon entering the premises and when using common areas, including elevators, restrooms, break rooms, or stairs. If available, you should consider wearing non-medical grade face masks.

Health protocols for your facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with customers.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees and customers.
- Place readily visible signage at the business to remind everyone of best hygiene practices.

MINIMUM STANDARD HEALTH PROTOCOLS



ATTESTATION FOR COUNTIES

Page 1 of 2

WITH FIVE OR FEWER LABORATORY-CONFIRMED CASES

Rural counties may, on an individualized basis, increase capacity for restaurants, retail, shopping malls, museums, libraries, and/or movie theaters if the county judge certifies and affirms to DSHS that the following standards have been investigated and confirmed to be met:

1. The county had five or fewer COVID-19 laboratory confirmed cases on April 30, 2020 or, at a later date, five or fewer active COVID-19 cases as verified by DSHS.
2. The county has created a list of testing opportunities in the county or the area.
3. The county has been in contact with its designated regional advisory council to ensure the community is prepared for any needed health care transfers.
4. The county has provided public notice to the residents of the county, including:
 - Signs and symptoms of COVID-19.
 - Recommended health and safety protocols in line with CDC guidance.
 - Information regarding how residents can get tested in the area.
 - A link to the DSHS website where residents can go to learn about community spread in nearby communities, in order to help county residents understand their risk to exposure if they travel regularly outside of the county.
5. The county has contacted each of the following types of facilities located in the county to ensure they are complying with HHSC and CDC guidelines regarding COVID-19:
 - Nursing homes
 - Assisted living facilities
 - Industrial, agricultural, or business facilities with a significant number of employees
 - City or county jails
6. The county is equipped and prepared to protect vulnerable populations, including nursing homes and assisted living facilities.
7. The county has documented procedures to be activated if a resident becomes COVID-19 positive, including procedures to take appropriate measures as necessary in line with the plan to open Texas.
8. The county has contacted DSHS in order to create a plan to ensure contact tracing will occur within 48 hours of a positive test reported to DSHS.

If the county meets the above standards and chooses to do so, the county may do the following:

- Increase dine-in restaurant capacity from 25% to up to 50% of the restaurant's total listed occupancy. All other provisions regarding restaurants still apply.

MINIMUM STANDARD HEALTH PROTOCOLS



RURAL COUNTIES: Page 2 of 2

- Increase retail in-store capacity from 25% to up to 50% of the retailer's total listed occupancy. All other provisions regarding retail still apply.
- Increase movie theater capacity from 25% to up to 50% of the movie theater's total listed occupancy. All other provisions regarding movie theaters still apply.
- Increase museum and library capacity from 25% to up to 50% of the museum's or library's total listed occupancy. All other provisions regarding museums and libraries still apply.

All counties must adhere to all other provisions set forth on the previous pages, including the minimum standard health protocols.

Counties that file the attestation and qualify for 50% occupancy will revert to the 25% occupancy limits if any of the following occurs:

1. **Five consecutive testing / tracking intervals with positivity rates greater than 12% in that interval.**
2. **The county has more than 3 positive cases per 1,000 residents.**
3. **Less than 15% of the surge capacity in hospitals for the catchment area is available.**

The attestation form, including the supplemental county information, to be completed by the county judge, can be found on the Department of State Health Services Coronavirus Disease 2019 (COVID-19) website at <https://dshs.texas.gov/coronavirus/>.

Under GA-18, the Governor may, by proclamation, return any county to the essential services-only level.



ABOUT THE STRIKE FORCE: MEET THE LEADERSHIP

Lieutenant Governor Dan Patrick



Dan Patrick was first elected Lt. Governor of Texas in 2014 and re-elected in 2018. A preeminent voice for principled conservative policies both in Texas and across the nation, Lt. Governor Patrick is leading the fight for life and liberty in Texas, including securing the border, reducing property and business taxes, standing up for the Second Amendment, and addressing Texas' infrastructure challenges to assure that our state continues to flourish economically. Lt. Governor Patrick presided over what have been called the most conservative and productive sessions of the State Senate in Texas history. Focusing on strategies to keep Texas families and communities safe and the state economy strong, under his leadership, the Senate passed legislation to dramatically increase support for border security and reduced the franchise tax by 25% on a pathway to eliminating it altogether. Lt. Governor Patrick has championed property tax relief over several legislative sessions and continued the education reforms he began as Chair of the Senate Education Committee, tackling the problems of failing schools and giving parents more choices for their children.

Speaker of the House Dennis Bonnen



The Honorable Dennis Bonnen was sworn in as Texas Speaker of the House on January 8, 2019. Elected to the post by his colleagues, Speaker Bonnen has set an early tone for unity among the House Chamber by empowering Members to work together to achieve meaningful results that address the state's most pressing issues. Speaker Bonnen believes in productive, efficient government that remains accountable to Texans while casting aside politics in favor of finding real solutions. Speaker Bonnen has served in the Texas House of Representatives for over 20 years, representing the 25th House district that encompasses southern Brazoria County and the entirety of Matagorda County. First elected to the Legislature at the age of 24, Bonnen joined the House in 1997 and began his twelfth term of office in January 2019. Prior to becoming Speaker of the House, Dennis Bonnen served for the past three legislative sessions as Speaker Pro Tempore. In the 84th and 85th sessions, he served as Chairman of the House Ways and Means Committee and in the 85th session as a member of the House Culture, Recreation & Tourism Committee.



Attorney General Ken Paxton



Ken Paxton is the 51st Attorney General of Texas. He was elected on November 4, 2014, and sworn into office on January 5, 2015. He was re-elected to a second term in 2018. As the state's top law enforcement officer, Attorney General Paxton leads more than 4,000 employees in 38 divisions and 117 offices around Texas. That includes nearly 750 attorneys, who handle more than 30,000 cases annually — enforcing child support orders, protecting Texans against consumer fraud, enforcing open government laws, providing legal advice to state officials, and representing the State of Texas in court, among other things. His first major initiative as attorney general was the formation of a special unit dedicated to combating human trafficking in Texas. During its first year of existence, the Human Trafficking and Transnational Organized Crime section helped arrest the chief executive officer of Backpage.com and coordinated to facilitate the permanent shut down of Backpage.com, the largest online sex-trafficking marketplace in the United States.

Texas Comptroller Glenn Hegar



Glenn Hegar was elected as the 36th Texas Comptroller of Public Accounts in November 2014. Hegar is Texas' chief financial officer — the state's treasurer, check writer, tax collector, procurement officer, and revenue estimator. Upon taking office, he reorganized the agency for quicker and more effective decision-making and reduced its administrative footprint by working with the Legislature to eliminate inefficient programs and transfer others that didn't fit core missions. Additionally, the Comptroller recommended that the Legislature repeal eight taxes, six of which were administered by his agency. Hegar is focused on his agency's constitutional duties and committed to improving its customer service and transparency. He believes a less-burdensome tax system will foster a better environment for job creation and business expansion, and thus a healthier Texas economy. As CFO for the world's 10th-largest economy, Hegar monitors Texas' financial health to ensure it maintains strong fund balances. During his term in office, he has emerged as a passionate advocate for conservative financial management and fiscal transparency at all levels of government.

**James Huffines, Chair**

James Huffines is former President and Chief Operating Officer of PlainsCapital Corporation, retired Chief Operating Officer of Hilltop Holdings, Inc., former Chairman of The University of Texas System Board of Regents, and current Chair of Southwestern Medical Foundation. Huffines has served three governors of Texas: Governor Greg Abbott, Governor Rick Perry, and Governor Bill Clements. He is a former Chair of the Governor's University Research Initiative, and a former member of the Dallas Foundation Board of Governors, the Texas State History Museum Foundation Board of Trustees, and the Dallas Citizens Council Board of Directors. Huffines earned a BBA in finance from UT Austin and attended Southwestern Graduate School of Banking at Southern Methodist University.

Mike Toomey, Chief Operating Officer

Mike Toomey, the only person in Texas history to serve as Chief of Staff for two Texas governors, Governor Rick Perry and Governor Bill Clements, is a former three-term Texas House member representing House District 135 in Houston, and former Chairman of the House Judiciary Committee. He previously served as Chairman of the Board for the West Houston Chamber of Commerce. Toomey earned a BA in philosophy from Baylor University and a Juris Doctor from South Texas College of Law.



MEET THE CHIEF MEDICAL ADVISORS

These nationally recognized health experts are developing a medical architecture to comprehensively test and trace COVID-19 to enable Texans to gradually and safely begin the process of returning to work and other activities.

- **John Hellerstedt, M.D., Chief Medical Officer**
Commissioner of the Texas Department of State Health Services; previously Chief Medical Officer at Seton Family of Hospitals, and Vice President of Medical Affairs and Associate Chief Medical Officer at Dell Children's Medical Center of Central Texas.
- **Parker Hudson, M.D., MPH**
Assistant Professor of Internal Medicine and Infectious Diseases at Dell Medical School and program director for the Internal Medicine Residency; completed an adult infectious diseases fellowship and a Master of Public Health in Epidemiology.
- **Mark McClellan, M.D., PhD**
The Robert J. Margolis Professor of Business, Medicine, and Policy, and founding Director of the Duke-Margolis Center for Health Policy at Duke University; former administrator of the Centers for Medicare & Medicaid Services and former commissioner of the U.S. Food and Drug Administration.
- **John Zerwas, M.D.**
Executive Vice Chancellor for Health Affairs, University of Texas System; previously represented Texas House District 28 for seven legislative terms; a past president of the American Society of Anesthesiologists.



MEET THE SPECIAL ADVISORY COUNCIL

Business leaders representing the state's regions and industries are collaborating with working groups to devise strategies, statewide standards, and appropriate timeframes to safely open the Lone Star State.

Arcilia Acosta: President and CEO, CARCON Industries & Construction

Paul Andrews, Jr.: Founder and CEO, TTI Inc.

Mark Bivins: Rancher, partner in Corsino Cattle Company

Kathy Britton: CEO and Owner, Perry Homes

Brad Brookshire: Chairman and CEO, Brookshire Grocery Co.

J. Bruce Bugg, Jr.: Chairman, Texas Transportation Commission

Alonzo Cantu: President & CEO of Cantu Construction

Bobby Cox: Owner and operator, Bobby Cox Companies, Inc.

Adriana Cruz: Executive Director, Economic Development & Tourism Division, Office of the Governor

Michael Dell: Chairman and CEO, Dell Technologies

Scott Dueser: Chairman, President & CEO, First Financial Bank

Don Evans: Chairman of the President George W. Bush Foundation, Chairman of Permian Strategic Partnership

Tilman Fertitta: Chairman, CEO, and sole owner, Landry's, Inc.

Richard Fisher: Senior Advisor, Barclays and Former President & CEO, the Federal Reserve Bank of Dallas

Rick Francis: Chairman of the Board, WestStar Bank Holding Company, Inc.

Printice Gary: Founding Partner/Principal and CEO, Carleton Companies

Brad Heffington: Owner of Heffington Farms, Inc. and Triple T Irrigation, Inc.

Jeffery D. Hildebrand: Executive Chairman and Founder, Hilcorp Energy Company

Nancy Kinder: President & CEO, Kinder Foundation

Tom Luce: Founder and Chairman, Texas 2036

Marc McDougal: CEO, McDougal Companies

Jim "Mattress Mack" McIngvale: Owner, Gallery Furniture

Drayton McLane: Chairman, McLane Group

Elaine Mendoza: Founder, President & CEO of Conceptual MindWorks, Inc

Balous Miller: Owner, Bill Miller Bar-B-Q Restaurants

Carla Moran: Ramar Communications

Dennis Nixon: CEO and Chairman of International Bank of Commerce

David Oliveira: Partner at Roerig, Oliveira & Fisher, L.L.P.

Ross Perot, Jr.: Chairman, The Perot Group

Kevin D. Roberts, PhD: Executive Director, Texas Public Policy Foundation

Robert B. Rowling: Owner and Chairman, TRT Holdings, Inc.

Kendra Scott: Founder and CEO, Kendra Scott

Robert F. Smith: Founder, Chairman & CEO, Vista Equity Partners

Sam L. Susser: Chairman of BancAffiliated, Inc.

Massey Villarreal: CEO and President, Precision Task Group, Inc.

Kirk Watson: Founding Dean of the University of Houston Hobby School of Public Affairs

Marc Watts: President, The Friedkin Group

Graham Weston: Former Chairman of Rackspace Hosting Inc.

Sanjiv Yajnik: President of the Financial Services Division, Capital One



STRIKE FORCE WORKING GROUPS

The working groups are providing recommendations on potential openings of activities and services in Texas with the guidance of the Chief Medical Advisors and consistent with the guidelines provided by the CDC.

Economic Revitalization

- Workforce, Economic Development and International Trade
- Infrastructure
- Energy
- Arts, Culture, and Entertainment

Healthcare

- Chief Medical Advisors
- Healthcare Systems
- Emergency Management and Supply Chain

Education

- PreK-12 Schools
- Higher Education

Fiscal Accountability and Federal Liaison



WORKING GROUP LEADERS: ECONOMIC REVITALIZATION

Working together to reboot our resilient Texas economy and lift communities and families across the state.

Workforce, Economic Development and International Trade

- **Robert Allen**
President & CEO of the Texas Economic Development Corporation; previously served as Deputy Chief of Staff to Governor Greg Abbott and Deputy Chief of Staff at the Office of the Attorney General.
- **Adriana Cruz**
Executive Director, Economic Development & Tourism Division, Office of the Governor; previously President of the Greater San Marcos Partnership, and Vice President of Global Corporate Recruitment for the Austin Chamber of Commerce.
- **Ruth Hughs**
Texas Secretary of State; previously Chair and Commissioner Representing Employers at the Texas Workforce Commission, and Director of Defense Litigation in the Office of the Texas Attorney General.

Infrastructure

- **J. Bruce Bugg, Jr.**
Chairman of the Texas Transportation Commission; Chairman, President & CEO of Southwest Bancshares, Inc.; previously Chairman and President of the Texas Economic Development Corporation, and senior advisor to Governor Rick Perry.
- **Kirk Watson**
Named founding Dean of the University of Houston Hobby School of Public Affairs; State Senator representing Austin, elected President Pro Tempore in 2019; previously Mayor of Austin, and served under Governor Ann Richards.



Energy

- **Julia Rathgeber**
President & CEO of the Association of Electric Companies of Texas, Inc.; previously served as Deputy Chief of Staff for Governor Greg Abbott; appointed as Commissioner of Insurance for Texas by Governor Rick Perry.
- **Todd Staples**
President of the Texas Oil and Gas Association; previously served as the Texas Commissioner of Agriculture, and as a member of both the Texas Senate and the Texas House of Representatives.

Arts, Culture, and Entertainment

- **Brendon Anthony**
Director of the Texas Music Office in the Office of Governor; previously a touring and recording musician, producer, artist consultant, head of ecommerce and artists relations.



WORKING GROUP LEADERS: HEALTHCARE

Protecting Texans' health and saving lives in communities across Texas.

Healthcare

- **John Hellerstedt, M.D.**
 Commissioner of the Texas Department of State Health Services; previously Chief Medical Officer at Seton Family of Hospitals, and Vice President of Medical Affairs and Associate Chief Medical Officer at Dell Children's Medical Center of Central Texas.
- **Parker Hudson, M.D., MPH**
 Assistant Professor of Internal Medicine and Infectious Diseases at Dell Medical School and program director for the Internal Medicine Residency; completed an adult infectious diseases fellowship and a Master of Public Health in Epidemiology. Director of COVID-19 Testing and Tracing at the Dell Medical School.
- **Mark McClellan, M.D., PhD**
 The Robert J. Margolis Professor of Business, Medicine, and Policy, and founding Director of the Duke-Margolis Center for Health Policy at Duke University; former administrator of the Centers for Medicare & Medicaid Services and former commissioner of the U.S. Food and Drug Administration.
- **John Zerwas, M.D.**
 Executive Vice Chancellor for Health Affairs, University of Texas System; previously represented Texas House District 28 for seven legislative terms; a past president of the American Society of Anesthesiologists.

Healthcare Systems

- **John Zerwas, M.D.**
 Executive Vice Chancellor for Health Affairs, University of Texas System; previously represented Texas House District 28 for seven legislative terms; a past president of the American Society of Anesthesiologists.

Emergency Management and Supply Chain

- **Nim Kidd**
 Chief of the Texas Division of Emergency Management, and Vice Chancellor for Disaster and Emergency Services, Texas A&M University System; previously District Fire Chief, San Antonio Fire Department, and City of San Antonio Emergency Manager.



WORKING GROUP LEADERS: EDUCATION

Working together to ensure Texas students have access to the knowledge and skills need to compete and to build a brighter Texas of tomorrow.

PreK-12 Education

- **Mike Morath**

Commissioner of the Texas Education Agency, oversees PreK-12 education for more than 5 million students; previously a member of the Dallas Independent School District's Board of Trustees; began his career in the technology sector.

Higher Education

- **Harrison Keller, PhD**

Commissioner of the Texas Higher Education Coordinating Board; previously Deputy to the President for Strategy and Policy at The University of Texas at Austin, and Vice Provost for Higher Education Policy and Research.



WORKING GROUP LEADER: FISCAL ACCOUNTABILITY AND FEDERAL LIAISON

Working together to leverage federal resources and ensure fiscal accountability to protect lives and restore livelihoods in communities across Texas.

▪ **Billy Hamilton**

Deputy Chancellor and Chief Financial Officer, The Texas A&M University System; previously a private state tax consultant, and served as Deputy Comptroller of Public Accounts for the State of Texas.

APPENDIX



Governor Abbott's Proactive Response to the Coronavirus Threat

From before COVID-19 was first detected in Texas, Governor Abbott has leveraged state, federal and local resources as well as private-sector support to mitigate the spread of the coronavirus and to protect the health and safety of Texans across the state.

A high-level snapshot of actions taken by Governor Abbott; not inclusive of all briefings, hearings, proclamations, calls, actions or related events in Texas.

MOBILIZING STATE RESOURCES

- In January, Governor Abbott activates the State Medical Operations Center and all state emergency response agencies to implement existing statewide preparedness and response plans.
- At the Governor's direction, the Texas Task Force on Infectious Disease Preparedness and Response and the Texas Emergency Management Council begin regular meetings.
- At the Governor's direction, the Department of State Health Services (DSHS) begins daily calls with public health authorities and providers.
- Governor Abbott declares a State of Disaster for all Texas counties due to the imminent threat posed, thereby authorizing the use of all available and necessary state resources to assist Texas communities.
- Governor Abbott and Attorney General Ken Paxton issue a joint statement on price gouging and announce a consumer hotline.
- Governor Abbott directs all state agencies to enact telework policies to ensure continuing service.
- Governor Abbott activates the Texas National Guard and deploys three brigades to assist health professionals and emergency responders on the front line.
- Governor Abbott announces the Texas Military Department and U.S. Army Corps of Engineers are working to identify and equip medical facilities if additional hospital capacity is needed.
- Governor Abbott provides a region-by-region update on medical and PPE supplies acquired by the Supply Chain Strike Force and distributed across Texas.
- Governor Abbott announces that Texas National Guard members are helping to staff a 24-hour operation to produce 2 million face masks a week for distribution in Texas.
- Governor Abbott announces an Executive Order on April 17 establishing the Governor's Strike Force to Open Texas, including a Medical Advisory Board to guide the State's decisions on opening Texas.
- Governor Abbott announces the Texas National Guard will be mobilizing more than 1,200 personnel as part of mobile testing teams in various parts of the state.

LEVERAGING FEDERAL RESOURCES

- In January, Governor Abbott joins HHS Secretary Alex Azar, federal health officials, Cabinet members and governors by phone for the first federal update on the coronavirus.
- In addition to speaking with President Trump and Vice President Pence, and ongoing calls with White House officials and Cabinet members, Governor Abbott joins regular calls with the vice president, federal agencies and the nation's governors.
- Governor Abbott requests the state's allocation of medical and pharmaceutical assets from the Strategic National Stockpile for distribution.
- Governor Abbott requests a statewide emergency designation for small business disaster loans from the U.S. Small Business Administration.
- Governor Abbott requests a presidential declaration of a major disaster.
- At Governor Abbott's direction, \$19.5 million from the state's initial \$36.9 million allotment of emergency congressional funding is distributed to 43 local health departments, with the remaining funds reserved for statewide efforts and to serve areas not covered by a local health department.
- Governor Abbott requests permission from the USDA to expand the use of SNAP food assistance.
- Governor Abbott requests interest-free Title XII loan funds to pay unemployment claims and also requests accelerated release of funds from the federal Unemployment Trust Fund.
- Governor Abbott submits a waiver asking for flexibility in administering Medicaid to expand care.
- Governor Abbott requests a waiver from HUD to provide financial housing assistance to certain Texans enduring economic hardships related to COVID-19.
- Governor Abbott continues to regularly consult by phone with the President, VP and White House health officials and federal agency administrators.
- Governor Abbott announces that SNAP food benefits may be used for online food purchases.
- Governor Abbott announces nearly \$54 million in federal funds to support older Texans and people with disabilities during the COVID-19 response.
- Governor Abbott announces up to \$11.3 million in HOME Tenant Based Rental Assistance from HUD to Texans experiencing housing challenges due to COVID-19.

WORKING WITH LOCAL LEADERS

- In January at the Governor's direction, DSHS begins daily calls with local public health authorities around the state and with San Antonio officials in relation to the repatriated Americans housed at JBSA-Lackland, as well as regular briefing calls with elected officials and local leaders around the state.
- DSHS, TDEM, the Texas Education Agency and all state agencies begin daily outreach to communities.
- Governor Abbott briefs legislators, mayors, county judges and other local elected officials by teleconference on the state's strategies to mitigate the spread of COVID-19 and ensure communities are prepared to respond to any confirmed cases in their area.
- At the Governor's direction, TEA issues guidance to K-12 public and open enrollment schools.
- Governor Abbott continues to regularly consult by phone and update state and local elected officials, ensuring local health needs are met and answering questions about the State's strategies to open Texas.

- Governor Abbott continues to recognize local business leaders who are adapting and innovating to help meet community needs.
- Governor Abbott announces Texas A&M AgriLife Extension Service will provide a free online training series to help local officials understand, acquire and administer federal CARES Act assistance.

KEEPING TEXANS INFORMED

- In January at the Governor's direction, DSHS launches a coronavirus information/resources page online and continues to broadly promote preventative hygiene measures; social posts are shared/amplified by other state agencies.
- Beginning in February, Governor Abbott hosts ongoing press briefings, joined by DSHS and the Texas Department of Emergency Management.
- Governor Abbott conducts almost daily media interviews with local and regional broadcast stations.
- Through ongoing social campaigns amplified by all state agencies, and televised public service announcements, Governor Abbott continually urges Texans to take preventative measures and to visit dshs.texas.gov for more information.
- Governor Abbott hosts a televised town hall to answer Texans' questions.
- Governor Abbott invites Texans to volunteer supplies, equipment and medical services by going to the state's portal: texas.gov.
- First Lady Cecilia Abbott reminds Texans by video to check on older, isolated family members and neighbors who may be in need of food and medicine.
- Governor Abbott releases a video message to all Texans as his Executive Order goes into effect requiring all Texans to stay home unless they are participating in an essential service or activity.
- Governor Abbott holds a press briefing detailing the progress that Texas has made in slowing the spread, including county-by-county reporting.
- Governor Abbott has conducted 15 press conferences and 100 broadcast media interviews related to the State's response, commencing six days prior to the first confirmed case in Texas, as of April 10, 2020.
- Governor Abbott continues to conduct regular press briefings and local/regional broadcast media interviews to update on the State's response.
- Governor Abbott holds a press conference on April 17 to announce the Governor's Strike Force to Open Texas; the State's opening strategies will be guided by a Medical Advisory Board and with the advice of a Special Advisory Counsel of business leaders representing the state's regions and industries.
- Governor Abbott holds a press briefing to update on the State's response; announces nearly 500,000 job openings listed on WorkInTexas.com.
- Governor Abbott announces an online COVID-19 test collection map to help Texans locate test collection sites within their community.

MITIGATING THE SPREAD IN TEXAS COMMUNITIES

- In January at the Governor's direction, DSHS begins regular posting of preventative hygiene steps; these social posts are amplified by state agencies.

- At the Governor's direction, capacity is added at the Texas Center for Infectious Disease to accept mildly symptomatic to asymptomatic patients from the JBSA-Lackland repatriate cohorts and relieve anticipated pressure on San Antonio hospitals.
- Governor Abbott sends a letter to the CDC demanding improved release protocols for individuals under federal quarantine at Lackland.
- Governor Abbott is briefed by the Texas Military Department on preventative health measures for Texas National Guard personnel.
- The Governor restricts non-critical visits to state-supported nursing homes, hospitals, prisons and other facilities.
- Governor Abbott allows virtual and telephonic open meetings to ensure government transparency.
- Governor Abbott postpones scheduled district and primary runoff elections.
- Governor Abbott issues Executive Orders prohibiting social gatherings of 10 or more, dine-in restaurants and bars, and non-critical visits to nursing homes, and temporarily closing schools.
- Governor Abbott mandates a 14-day self-quarantine for air travelers from NY, NJ, CT and New Orleans. That Executive Order is expanded to air travelers from additional hotspot locations, California, Louisiana, Washington, Atlanta, Chicago, Detroit and Miami, and to travel by car from Louisiana.
- Governor Abbott prohibits the release of individuals in county and municipal jail custody who are deemed a danger to society.
- Governor Abbott issues an Executive Order implementing Essential Services and Activities Protocols for the entire state of Texas to minimize non-essential gatherings and in-person contact.
- Governor Abbott provides a region-by-region update on medical and PPE supplies acquired by the Supply Chain Strike Force and distributed across Texas.
- Governor Abbott announces a 24-hour operation, staffed in part by Texas National Guard members, will produce 2 million masks per week for distribution in Texas.
- Governor Abbott regularly updates the public at press briefings on the distribution of PPE supplies to communities across Texas.
- Governor Abbott announces an Executive Order closing schools through the academic year to mitigate the spread, though teachers may return for in-classroom video instruction.
- Governor Abbott announces the Texas National Guard will be mobilizing more than 1,200 personnel as part of mobile testing teams in various parts of the state.
- Governor Abbott announces an online COVID-19 test collection map to help Texans locate test collection sites within their community.

EXPANDING ACCESS TO HEALTHCARE

- On March 5, Governor Abbott announces the launch of statewide testing capabilities.
- Governor Abbott asks health insurance providers to waive costs associated with the testing and telemedicine visits.
- Governor Abbott directs state agencies to take any action necessary to support telemedicine.
- Governor Abbott fast-tracks licensing for out-of-state medical professionals.
- Governor Abbott announces Texas will receive an initial 15,000 testing kits from FEMA, in addition to testing capabilities already announced.

- Governor Abbott holds a video call with hospitals to discuss capacity.
- Governor Abbott holds a press conference at the San Antonio Emergency Operations Center to update on the state's actions and the San Antonio drive-thru coronavirus testing site. He announces other major cities are working to implement drive-thru testing sites to be run and managed at the local level.
- Governor Abbott activates the Texas National Guard to assist medical professionals and emergency responders on the front line.
- Governor Abbott waives certain regulations to expand patient access to telemedicine.
- At the Governor's direction, DSHS declares a Public Health Disaster, triggering important tools for public health authorities.
- Testing by public health authorities and private providers continue to increase weekly, following prescribed protocols for eligibility.
- Governor Abbott waives regulations to allow phone consultations by pharmacists, and waives regulations to expand nursing workforce.
- Governor Abbott issues an Executive Order increasing hospital capacity, announces a Supply Chain Strike Force and increases hospital room occupancy.
- Governor Abbott directs hospitals to submit daily reports on bed capacity and all providers to update daily on COVID-19 tests.
- Governor Abbott announces an initial \$83 million order of medical supplies ordered by the new Supply Chain Strike Force, along with donations of supplies from Texas medical professionals.
- Governor Abbott invites Texans to volunteer supplies, equipment and medical services by going to the state's portal: [texas.gov](https://www.texas.gov).
- Governor Abbott extends license renewal periods for nurses, extends license renewal periods for pharmacists and expedites reactivation for advanced practice registered nurses.
- Governor Abbott receives his requested federal approval to automatically renew Medicaid and SNAP food assistance until further notice, and to suspend the requirement that renewing recipients and new applicants be interviewed.
- Governor Abbott announces the Kay Bailey Hutchison Convention Center in Dallas is being equipped as a back-up hospital facility should it be needed.
- Governor Abbott waives certain regulations to expand EMS and emergency responder workforce.
- Because of proactive measures and waivers issued by Governor Abbott, hospital bed availability in Texas has increased by 140 percent since March 18.
- Governor Abbott provides a region-by-region update on medical and PPE supplies acquired by the Supply Chain Strike Force and distributed across Texas.
- Governor Abbott announces a 24-hour operation staffed in part by Texas National Guard members will produce 2 million masks per week for distribution in Texas.
- Governor Abbott continues to temporarily waive regulations: Expanding the healthcare workforce; allowing off-site outpatient end-stage renal disease facilities; expanding telehealth options; allowing more nurse aides to serve residents in long-term care facilities; increasing hospital and medical facility staffing; and increasing the Advanced Practice Registered Nurse workforce.
- Governor Abbott updates the public at a press briefing on the distribution of PPE supplies across Texas.

- Governor Abbott announces an Executive Order loosening some restrictions on surgeries and medical procedures while ensuring hospital capacity and sufficient PPE supplies.
- Governor Abbott announces an online COVID-19 test collection map to help Texans locate test collection sites within their community.

REMOVING REGULATORY ROADBLOCKS

- After issuing a State of Disaster proclamation on March 13, with 39 COVID-19 cases in Texas confirmed and because of the imminent threat posed, Governor Abbott begins waiving state regulations to remove roadblocks and better meet Texans' needs during the emergency period:
 - Certain state trucking regulations to help speed deliveries
 - Allowing trucks from alcohol industry to deliver grocery supplies
 - Ensuring students receive work-study funding
 - STAAR testing requirements
 - Vehicle registration, titling and parking placard regulations
 - Expanding hospital capacity
 - Expanding patient access to telemedicine care
 - Speeding payment of new unemployment benefits
 - Extending driver license renewal deadlines
 - Allowing delivery of alcoholic beverages with food
 - Temporarily closing DPS driver license offices
 - Waiving healthcare fees for incarcerated Texans
 - Suspending residential eviction proceedings (Texas Supreme Court)
 - Allowing event permit refunds for businesses
 - Allowing phone consultations by pharmacists
 - Expanding nursing workforce in Texas
 - Creating a Supply Chain Strike Force
 - Increasing occupancy of hospital rooms
 - Allowing restaurants to sell bulk products to consumers
 - Expanding healthcare facilities
 - Extending licensing renewal period for nurses
 - Preserving and extending child care capacity
 - Extending licensing renewal period for pharmacists
 - Expediting reactivation for advanced practice registered nurses
 - Waiving COVID-19 cost-sharing for public safety employees
 - Expanding EMS and emergency responder workforce
 - Expanding healthcare workforce
 - Allowing off-site outpatient end-stage renal disease facilities
 - Waiving federal match for victims services grant recipients
 - Allowing for video appearance before Notary Public
 - Expanding telehealth options
 - Allowing more nurse aides to serve residents in long-term care facilities
 - Increasing hospital and medical facility staffing
 - Waiving certain testing requirements for Advanced Practice Registered Nurses

HELPING FAMILIES, SMALL BUSINESSES AND COMMUNITIES TO COPE

- In January at Governor Abbott's direction, DSHS begins posting coronavirus information and resources online and broadly promotes preventative hygiene measures.
- At Governor Abbott's direction, TEA shares preventative guidance with school districts.
- Governor Abbott declares a State of Disaster for all Texas counties due to the imminent threat posed, thereby authorizing the use of all available and necessary state resources to assist Texas communities.
- Governor Abbott and Attorney General Paxton issue a joint statement on reports of price-gouging and announce a consumer hotline.
- Governor Abbott briefs legislators, mayors and county officials by phone conference on the state's strategies to mitigate spread and ensure communities are prepared to respond.
- Governor Abbott waives certain state trucking regulations to expedite delivery of resources in Texas.
- Governor Abbott waives laws to allow trucks from alcohol industry to deliver grocery supplies.
- Governor Abbott waives regulations to ensure students in work-study programs receive critical funding during school closures.
- Governor Abbott waives STAAR testing requirements and requests waiver for federally required testing.
- Governor Abbott hosts a televised town hall to answer Texans' questions about the state's response.
- Governor Abbott waives the waiting period for new unemployment benefits to speed payments to impacted families across the state.
- Governor Abbott holds call with mayors, county judges to discuss state and local response strategies.
- Governor Abbott's request for an emergency designation for small business statewide receives federal approval, making small business disaster loans from SBA available in Texas.
- Governor Abbott and TEA announce a Texas Students MealFinder Map to ensuring continuing access to the school lunch program.
- Governor Abbott offers supplemental grants through his Public Safety Office to fund critical needs for providers serving foster and homeless youth and kinship care families.
- Governor Abbott issues a waiver allowing restaurants to sell bulk retail products directly to consumers.
- Governor Abbott announces a \$16.2 million grant to help communities provide meals for older adults.
- First Lady Cecilia Abbott posts a video on social channels reminding Texans to check in on older or isolated family and neighbors.
- Governor Abbott waives certain TWC regulations to extend child care capacity for front line workers.
- Governor Abbott's request to automatically renew Medicaid and the Supplemental Nutrition Assistance Program (SNAP) and to suspend interview requirements receives federal approval.
- Governor Abbott announces the Comfort Food Care Package program to provide meals for at-risk youth and families, and to support local restaurants.

- Governor Abbott announces a federal stimulus package to relieve the economic impact on unemployed workers and the state's hardest-hit businesses; includes retroactive payments of unemployment benefits.
- Governor Abbott announces grants totaling \$14.1 million awarded to various military communities across the state to ensure installations continue to add military value and to protect jobs.
- Governor Abbott and TEA announce the launch of a "Stay Well, Texas" campaign in English and Spanish to reach families across the state.
- Governor Abbott issues an Executive Order implementing Essential Services and Activities Protocols to encourage Texans to stay at home except for essential activities; within the order is a process for businesses to determine if they meet DHS' definition of essential and to petition TDEM to be designated as essential.
- Governor Abbott announces Care.com is increasing in-home child care access for frontline workers responding to the COVID-19 emergency.
- Governor Abbott announces more than \$168 million in emergency SNAP food benefits.
- Governor Abbott announces a new online Frontline Child Care website to help essential workers in Texas to locate child care.
- Governor Abbott announces \$50 million in small business loans in partnership with Goldman Sach and the LiftFund along with other community development financial institutions (CDFIs).
- Governor Abbott announces more than 1,130,000 unemployment claims totaling well over \$400 million have been paid out to Texans whose jobs were impacted by COVID-19 as of April 13, 2020.
- First Lady Cecilia Abbott launches a Stars of Texas Storytime for children on Facebook.
- The Governor's Economic Development & Tourism division begins webinar series for small businesses in addition to recovery resources and information provided online and through email blasts.
- Governor Abbott announces his Pubic Safety Office will provide \$38 million in federal funds to local governments.
- Governor Abbott announces Executive Orders: establishing the Governor's Strike Force to Open Texas; directing select services to open under a Retail-To-Go strategy; closing schools for the remainder of the year other than to support video instruction by teachers; and loosening some restrictions on surgeries and medical procedures while ensuring hospital capacity and sufficient PPE supplies. Opening strategies will be guided by the Strike Force Medical Advisory Board and with the advice of the Strike Force Special Advisory Counsel of business leaders representing the state's regions and industries.
- Governor Abbott announces that SNAP food benefits may be used for online food purchases.
- Governor Abbott announces nearly \$54 million in federal funds to support older Texans and people with disabilities during the COVID-19 response.
- Governor Abbott announces up to \$11.3 million in HOME Tenant Based Rental Assistance from HUD to Texans experiencing housing challenges due to COVID-19.

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Office of the Governor | P.O. Box 12428 | Austin, Texas 78711
(512) 463-2000 (Voice) Dial 7-1-1 For Relay Services

gov.texas.gov

EXHIBIT

D

Houston Sportsplex Rules During COVID-10 Pandemic

1. ALL PATRONS MUST FOLLOW THESE POLICIES.
2. EACH PERSON SHOULD SOCIAL DISTANCE AND FOLLOW ALL CDC RECOMMENDATIONS AND GUIDELINES.
3. ANYONE ENTERING THE PARK MUST WEAR A FACE COVERING. PLAYERS ARE NOT REQUIRED TO WEAR A FACE COVERING WHILE PLAYING BUT IT IS RECOMMENDED THAT PLAYERS WEAR A COVERING WHILE OFF THE FIELD.
4. NOBODY UNDER THE AGE OF 17 WILL BE ALLOWED INTO THE PARK.
5. HSP HAS THE RIGHT TO LIMIT THE NUMBER OF SPECTATORS INTO THE PARK.
6. COACHES, PLEASE HELP OUT WITH SOCIAL DISTANCING. SOCIAL DISTANCING SIGNS ARE POSTED IN THE DUGOUTS AND ALONG THE FENCE LINES.
7. THERE WILL BE NO CONTACT BY PLAYERS. TAGGING OF PLAYERS IS NOT ALLOWED. OUTS WILL ONLY BE MADE BY BASE TAGGING INSTEAD OF PLAYER TAGGING.
8. THE CATCHER MUST BE AT LEAST 6 FEET BEHIND THE BATTER. THE UMPIRE WILL BE ON THE SIDE OF THE BATTER/CATCHER AND AT LEAST 6 FEET AWAY.
9. THERE WILL BE NO HAND SHAKING OR GREETING THE OTHER TEAM AFTER THE GAME IS FINISHED.
10. IF MORE THAN 2 FIELDERS TOUCH THE BALL DURING A PLAY, THEN THE BATTING TEAM WILL SWITCH OUT THE BALL WITH A FRESH BALL. THE BALL BEING REMOVED NEEDS TO BE SANITIZED/WIPED OFF PRIOR TO BEING THROWN BACK IN. HSP WILL PROVIDE SANITIZERS IN EACH DUGOUT.
11. NEITHER BEFORE NOR AFTER A GAME, SAHLL BE CONGREGATING OR DRINKING IN THE PARKING LOT. YOU WILL BE IMMEDIATELY ASKED TO LEAVE IF CAUGHT DOING SO AND SUBJECT TO FUTURE EXPULSION FROM HSP IF YOU FAIL TO COMPLY.
12. THE FRONT CONCESSION STAND ONLY WILL BE OPEN. A MINIMUM OF 6 FEET OF DISTANCE IS REQUIRED WHEN IN THE ORDERING LINE. THERE WILL BE 5 TABLES SET UP WITH A MAXIMUM OF 4 PEOPLE PER TABLE ALLOWED. THE PICNIC TABLES OUTSIDE, UNDER THE PAVILION, WILL BE AVAILABLE BUT WILL BE SPACED AT LEAST 8 FEET APART WITH A LIMIT OF 5 PEOPLE PER TABLE. DO NOT MOVE THE TABLES IN ORDER TO ACCOMMODATE LARGER CROWDS. THE ENTIRE MENU WILL BE AVAILABLE BUT NO CONDIMENTS WILL BE AVAILABLE EXCEPT SINGLE-SERVE PACKAGE CONDIMENTS. THERE WILL BE HAND SANITIZER AT EVERY DOOR COMING INTO THE CONCESSION STAND.

RESTROOMS WILL BE CLEANED EVERY 30 MINUTES. ALL DOORS WILL REMAIN OPEN TO ELIMINATE PEOPLE TOUCHING THE DOORS.

13. PATRONS WILL BE ALLOWED TO BRING A PERSONAL WATER BOTTLE INTO THE FACILITY. THIS DOES NOT INCLUDE ANY FOOD, ALCOHOL, OR ANY OTHER BEVERAGES. HSP WILL REMOVE ALL DUGOUT WATER COOLERS.
14. WHILE HSP IS TAKING MANY PRECAUTIONARY MEASURES, EACH PERSON ENTERING THE FACILITY IS DOING SO AT ITS OWN RISK AND NEEDS TO BE COMFORTABLE ENTERING THE FACILITY. HSP WILL CONTINUE TO MONITOR THE COVID-19 VIRUS. USING GOOD JUDGMENT AND GOOD HYGIENE HABITS ARE THE BEST ACTIONS YOU CAN TAKE TO REDUCE YOUR RISK TO COVID-19.

EXHIBIT

E



CITY OF HOUSTON
Fire Marshal, Life Safety Bureau
Houston Fire Department
1801 Smith St., Houston, Texas 77002
832-394-9350

INSPECTION REPORT

Your attention is respectfully called to the violation of the provisions of the City of Houston Fire Code as indicated herein, on the premises located at:

HOUSTON SPORTSPLEX
12631 MAIN ST
HOUSTON, TX 77085

Report Date: 05/01/2020
Reinspection Date: N/A
Contact: Mr. Barry Horvitz
Phone: 713-726-9972
Email:
barry@houstonsportsplex.com
Inspection #: 284827

INSPECTOR CONTACT INFORMATION

JEANNICE MITCHELL
Fire Inspector
Work: (281)605-8135
Cell: (281)605-8135
1002 Washington Ave
Houston, TX 77002
Email: Jeannice.Mitchell@houstontx.gov

CODE VIOLATION SUMMARY

Violation Code	Description	Violation Status
HFC2012.[A] 102.9	Matters not provided for	Comply - 5/1/2020 9:05:00 PM



CITY OF HOUSTON
Fire Marshal, Life Safety Bureau
Houston Fire Department
1801 Smith St., Houston, Texas 77002
832-394-9350

General Comments:

Facility appeared closed on arrival. Attendee stated that no tournaments were happening today. While on location over 200 people arrived to participate in softball/volleyball games (outdoors). The owner called his attorney, Ronald A. Hecht, who arrived on location with the Texas Governor's executive order in hand. The manager on location, Barry Horvitz, deferred to his attorney's interpretation of the order and refused our request to close his establishment.

Sr Investigator Simenton, Sr Inspector Beddingfield, Chief McLeod and the DA's office were all notified of the events unfolding. At the request of District Attorney Leitner's office, the Governor's 'Report to Open Texas' dated April 27, 2020 was provided to Mr. Horvitz and his attorney Mr. Hecht referencing (page 38)

MINIMUM STANDARD HEALTH PROTOCOLS - CHECKLIST FOR OUTDOOR SPORTS PARTICIPANTS

*As outlined in **Governor Abbott's executive order GA-18**, individuals may engage in outdoor sports, provided that the sports do not include contact with other participants, and no more than four participants play the sport at any time. Please note, under executive order GA-18, individuals shall avoid public swimming pools.*

In accordance with Governor Abbott's executive order GA-18, the following are the minimum recommended health protocols for all individuals engaging in outdoor sports in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

HPD officer J. Salinas and Sargent K. Merritt arrived on location. After receiving notice from Chief McLeod that Chief Leitner's office will take Class B misdemeanor charges for refusing to follow Governor Abbott's executive order GA-18, detailed in the guideline above, Sargent K. Merritt requested several additional HPD units and informed Mr. Horvitz what the consequences of his actions would be. At this point, Mr. Horvitz reversed course and chose to close the tournaments currently underway in the sports complex. ADA Levine arrived on location to clarify misinterpretations of the order and guidelines.

While the concession/restaurant was allowed to continue operating under the guidelines provided for dine-in restaurants, Mr. Horvitz decided to close all business at the complex. Approximately 200-250 people were dispersed without incident and all units returned to service.

VIOLATION DETAILS



CITY OF HOUSTON
Fire Marshal, Life Safety Bureau
Houston Fire Department
1801 Smith St., Houston, Texas 77002
832-394-9350

1)[A] 102.9 Matters not provided for.

Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the fire code official.

Compliance Status: Comply

Location:

Inspector Comments:

Failure to comply with Governor Abbott's executive order GA-18 for individuals engaging in outdoor sports as specified in guidelines provided by Governor Abbot's Strike Force to safely open Texas, "individuals may engage in outdoor sports, provided that the sports do not include contact with other participants, and no more than four participants play the sport at any time." (Open Texas Report, April 27, 2020, page 38)

TX Govt Code 418.173 - Penalty for Violation of Emergency Management Plan. (a) A state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense.



CITY OF HOUSTON
Fire Marshal, Life Safety Bureau
Houston Fire Department
1801 Smith St., Houston, Texas 77002
832-394-9350

INSPECTION TYPE: FINAL INSPECTION

HFC 103.1.3.1 - Re-inspection fee

Whenever it becomes necessary to make a re-inspection (after the initial inspection and one follow-up inspection under Section 103.1 of the city fire code), because of faulty material, faulty workmanship, or incomplete work, or for any other reason, the owner, operator, or lessee, shall pay for each re-inspection. Failure on your part to comply with the indicated violations will subject you to the penalties prescribed by law for such violations.

Inspector Signature:

_____ **Date:** 5/1/2020

Representative Signature:

_____ **Date:** _____

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Sportsplex of Houston, Inc., (b) County of Residence of First Listed Plaintiff Harris County (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Casey Wallace, Benjamin Allen and William X. King, Wallace & Allen, LLP, 440 Louisiana, Ste. 1500, Houston, Texas 77002. (713) 227-1744

DEFENDANTS The City of Houston, The City of Houston Police Department, and the City of Houston Fire Department. County of Residence of First Listed Defendant Harris County (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) 1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) PTF DEF Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4 4 Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5 Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property TORTS PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice 365 Personal Injury - Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement FORFEITURE/PENALTY 625 Drug Related Seizure of Property 21 USC 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions BANKRUPTCY 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609 OTHER STATUTES 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit (15 USC 1681 or 1692) 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983 Brief description of cause: Civil lawsuit for constitutional violations

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 05/06/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Casey T. Wallace

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.