



County Judge Order Relating to the COVID-19 and Mask to be Safe at School

WHEREAS, protecting public health in the midst of a pandemic is a compelling state interest; and

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Greg Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, on March 15, 2020, a Declaration of Local Disaster was issued by the Hays County Judge to allow the County of Hays ("County" or "Hays County"), Texas, to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Hays residents; and

WHEREAS, the virus that causes COVID-19 is contagious and spreads through person-to-person contact, especially in group settings; and

WHEREAS, COVID-19 continues to menace the health of County residents, and with the presence of the Delta variant, a highly transmissible and more contagious variation of COVID-19, CDC has implored individuals to wear face coverings to prevent further transmission of COVID-19; and

WHEREAS, cases and hospitalizations continue to increase in Hays County as new variants spread throughout the community, and public health officials recommend that individuals take additional precautions such as wearing a face covering; and

WHEREAS, the COVID-19 virus has mutated and developed more highly contagious strains, such as the Delta variant, that have led to increased hospital admissions, including pediatric, throughout the Hays County area, as children younger than 12 years are not eligible to receive the COVID-19 vaccine, and requiring face coverings in schools is a necessary measure to prevent transmission of COVID-19 among the unvaccinated; and

WHEREAS, reliable medical information indicates that even individuals who have received a COVID-19 vaccine are capable of contracting and spreading the current Delta variant of the virus; and

WHEREAS, reliable medical information indicates that even individuals who have received a COVID-19 vaccine are capable of contracting and spreading the current Delta variant of the virus; and

WHEREAS, schools are starting their school year in upcoming weeks; and

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a response to the public health threat in order to protect the health and safety of the community; and

WHEREAS, the mandatory use of face coverings is a far less restrictive means than other options; and

WHEREAS, pursuant to Government Code section 418.108(g), a County Judge is authorized to control ingress and egress from a local disaster area, and control the movement of persons and the occupancy of premises in that disaster area; and

WHEREAS, this Order is necessary to protect the public health and welfare of the community and those individuals who attend, visit, or work in Hays County schools and help control further transmission of COVID-19; and

WHEREAS, after considering the petition Governor Greg Abbott issued for a writ of mandamus and an emergency motion for temporary relief challenging a temporary restraining order, the Fourth Court of Appeals in San Antonio concluded that Governor Abbott is not entitled to the relief sought and accordingly denied the petition and the motion;

THEREFORE, the Hays County Judge reinstates the Declaration of Local Disaster issued on March 15, 2020, to allow Hays County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Hays County residents utilizing state and federal resources made available with the declaration.

NOW, THEREFORE, I, COUNTY JUDGE OF HAYS COUNTY, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER THAT:

Effective as of 12:01 a.m. on August 15, 2021, and continuing until modified or terminated by the Hays County Judge or as otherwise indicated below:

1. *Face Coverings Required.* Students, staff, and visitors over the age of two (2) are REQUIRED to wear a face covering while on school property or school buses. A face covering is a form of covering that fits snugly over the nose and mouth, such as a commercially made or homemade fabric mask, scarf, or bandana.
2. This Order shall apply to all public schools, including public charter schools grades K-12 in Hays County.
3. A principal, the responsible staff member, or administrator of the students may determine when it is not appropriate to require students, staff, and visitors to wear a face covering.
4. Compliance with this Order is reliant on self-regulation and a community commitment to public health and safety under the threat of COVID-19.
5. The Hays County Clerk will post this Order at required locations and websites.
6. *Savings Clause.* If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

7. This Order is issued in accordance with and incorporates by reference all declarations, findings, and recitations set out in the preamble to this Order.

ORDERED this 13th day of August 2021, in the County of Hays, Texas.



Ruben Becerra, County Judge
Hays County, Texas



Elaine Hanson Cardenas, MBA, PhD
County Clerk, Hays County, Texas

