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**Certified Food Managers
For
Bastrop County, Texas**

Order No. _____

AN ORDER REGARDING THE CERTIFICATION OF FOOD MANAGERS

As provided by Texas Health and Safety Code (HSC), §437.0076, a county and public health districts may require each fixed or mobile location retail establishment in which food is prepared on-site for sale to the public that holds a permit issued by the county or public health district to employ a food manager certified under HSC, Chapter 438, Subchapter G.

Therefore it is ORDERED, that Bastrop County Commissioner's Court adopts the following order:

Section 1. FOOD MANAGER CERTIFICATION REQUIREMENT AND DEFINITIONS

A. One certified food manager must be employed by each permitted food establishment. Certification must be obtained by passing an examination approved by the Texas Department of State Health Services and meeting all requirements in HSC, Chapter 438, Subchapter G, and 25 Texas Administrative Code (TAC), Chapter §229.176 (relating to Certification of Food Managers).

B. Definitions:

The words "food establishment" mean a food service establishment, a retail food store, a mobile food unit, a roadside food vendor, and/or temporary food vendor.

The words "food manager" mean an individual who conducts, manages, or operates a food establishment.

The words "regulatory authority" mean the Bastrop County Department of Health and Sanitation.

Section 2. EXEMPTIONS

A. This order shall be applicable in all areas of Bastrop County, Texas, except as defined in 25 TAC §437.0076(e); for the United States Army National Guard at Camp Swift, Elgin, Texas and except for Home Rule Cities unless such city adopts an ordinance at least equivalent to the standards prescribed by this regulation, and including any other area as defined by interlocal agreements between the Bastrop County Commissioner's Court and the governing authority of that area.

B. The following food establishments are exempt from the requirements of this order:

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- (1) establishments that handle only prepackaged food and do not prepare or package food;
- (2) child-care facilities, as defined by Section 42.002, Human Resources Code;
- (3) establishments that do not prepare or handle exposed potentially hazardous foods as defined in 25 TAC §229.162(66); or
- (4) nonprofit organizations as defined in 25 TAC §229.371(9) (relating to Permitting Retail Food Establishments).

Section 3. RESPONSIBILITIES OF A CERTIFIED FOOD MANGER

A. Responsibilities of a certified food manager include:

- (1) identifying hazards in day-to-day operation of a food establishment that provide food for human consumption;
- (2) developing or implementing specific policies, procedures or standards to prevent foodborne illness;
- (3) supervising or directing food preparation activities and ensuring appropriate corrective actions are taken as needed to protect the health of the consumer;
- (4) training of food establishment employees on the principles of food safety; and
- (5) performing in-house self-inspections of daily operations on a periodic basis to ensure that policies and procedures concerning food safety have been implemented and are being followed.

Section 4. CERTIFICATION RECIPROCITY

A. A certificate issued to an individual who successfully completes an examination approved by the Texas Department of State Health Services shall be accepted as meeting the training and testing requirements under HSC, §438.06(b).

Section 5. CERTIFICATE POSTING

A. The original food manager certification shall be posted in a location in the food establishment that is conspicuous to consumers.

Section 6. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this order is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

Section 7. DISCLAIMER

This order shall not create liability on the part of the community or any official or employee thereof for any damages that result from reliance on this order or any administrative decision lawfully made thereunder.

Section 8. EFFECTIVE DATE

This provision of this order shall take effect on: May 8, 2006

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 8th DAY OF May, 2006.

APPROVED:



Ronnie McDonald, Bastrop County Judge



David Goertz, Commissioner Precinct 1



John Klaus, Commissioner Precinct 3



Clara Beckett, Commissioner Precinct 2



Lee Dildy, Commissioner Precinct 4

ATTEST:



Rose Pietsch, Bastrop County Clerk