

RESOLUTION _____

RESOLUTION TO CONTINUE THE MAYOR'S JUNE 25, 2020 EXECUTIVE ORDER REGARDING FACE COVERINGS

WHEREAS, pursuant to Texas Government Code § 418.108, Mayor Betsy Price issued a Declaration of Local Disaster Due to Public Health Emergency on March 13, 2020 in response to the imminent threat of widespread illness from COVID-19; and

WHEREAS, the Declaration of Local Disaster declared on March 13, 2020 has remained in place continuously since such date; and

WHEREAS, Governor Greg Abbott, on April 17, 2020, suspended Section 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 were inconsistent with the Governor's executive orders; and

WHEREAS, Governor Greg Abbott, on or about April 27, 2020, expressed that local officials cannot require individuals to wear face masks to ensure that individual liberty is not infringed upon by government; and

WHEREAS, Governor Greg Abbott, on June 17, 2020, stated that local governments can require stores and businesses to require masks; and

WHEREAS, Governor Greg Abbott, on June 23, 2020, amended a previous executive order to allow local officials to "impose additional restrictions" on outdoor gatherings estimated to be in excess of 100 people in certain circumstances; and

WHEREAS, it is the intent of this Resolution to remain consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott (as extended or modified); and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and locally by the approval of Resolution 5216-04-2020, Resolution of Public Health Emergency, approved by the Fort Worth City Council on April 29, 2020; and

WHEREAS, the Mayor is authorized to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Fort Worth so long as such action is consistent with Governor Abbott's executive orders; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Fort Worth community and rates of infection are increasing

at an exponential rate and the number of people admitted to hospitals, ICU, or on ventilators is also rising despite efforts by local authorities to control the spread; and

WHEREAS, the Mayor issued an Executive Order on June 25, 2020 regarding face coverings (the “Executive Order”) for the purpose of continuing to protect the health and safety of the community and address developing and rapidly changing circumstances; and

WHEREAS, pursuant to Texas Government Code Chapter 418 and the Texas Disaster Act of 1975, the City Council must renew or continue the Executive Order for the Executive Order to remain in effect beyond seven (7) days.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

I.

1. That the Executive Order, a copy of which is attached, is hereby continued through 6:00 a.m. on August 3, 2020, unless extended, modified or terminated early by the Mayor or the City Council.
2. That all of the regulations provided in the Executive Order and this resolution are hereby declared to be governmental and for the health, safety, and welfare of the general public.

II.

That this resolution shall take effect immediately from and after its issuance.

ADOPTED THIS 26th day of June, 2020.

Betsy Price
Mayor

Sarah J. Fullenwider
City Attorney

Mary J. Kayser
City Secretary



EXECUTIVE ORDER OF MAYOR BETSY PRICE ISSUED June 25, 2020

WHEREAS, pursuant to Texas Government Code § 418.108, Mayor Betsy Price issued a Declaration of Local Disaster Due to Public Health Emergency on March 13, 2020 in response to the imminent threat of widespread illness from COVID-19; and

WHEREAS, the Declaration of Local Disaster declared on March 13, 2020 has remained in place continuously since such date; and

WHEREAS, Governor Greg Abbott, on April 17, 2020, suspended Section 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 were inconsistent with the Governor's executive orders; and

WHEREAS, Governor Greg Abbott, on or about April 27, 2020, expressed that local officials cannot require individuals to wear face masks to ensure that individual liberty is not infringed upon by government; and

WHEREAS, Governor Greg Abbott, on June 17, 2020, stated that local governments can require stores and businesses to require masks; and

WHEREAS, Governor Greg Abbott, on June 23, 2020, amended a previous executive order to allow local officials to "impose additional restrictions" on outdoor gatherings estimated to be in excess of 100 people in certain circumstances; and

WHEREAS, it is the intent of this Executive Order to remain consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott (as extended or modified); and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and locally by the approval of Resolution 5216-04-2020, Resolution of Public Health Emergency, approved by the Fort Worth City Council on April 29, 2020; and

WHEREAS, the Mayor is authorized to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Fort Worth so long as such action is consistent with Governor Abbott's executive orders; and


WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Fort Worth community and rates of infection are increasing at an exponential rate and the number of people admitted to hospitals, ICU, or on ventilators is also rising despite efforts by local authorities to control the spread; and

WHEREAS, by the authority vested in me as Mayor of the City of Fort Worth to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby issue this Executive Order.

THEREFORE, pursuant to Texas Government Code Chapter 418 and the Texas Disaster Act of 1975, be It Proclaimed and **ORDERED** by the Mayor that effective at 6:00 p.m. on June 26, 2020, ("Effective Date") and continuing through 6:00 a.m. on August 3, 2020, unless extended, modified or terminated early by the Mayor or the City Council that:

1. From the date of this Executive Order, all entities¹ in Fort Worth providing goods or services directly to the public must develop and implement a health and safety policy ("**Health and Safety Policy**"). The Health and Safety Policy must require, at a minimum, that all employees and visitors to the entity's business premises wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public. The Health and Safety Policy may allow individuals with an operational need to remove a face covering so long as such operational needs are specifically addressed in the Health and Safety Policy. The Health and Safety Policy may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Executive Order within five (5) calendar days following the Effective Date may result in a fine not to exceed \$500.00 for each violation pursuant to City of Fort Worth Code of Ordinances Section 11.5-11(d).
2. Other than the exceptions specifically provided in the executive orders of Governor Greg Abbott, individuals in areas open to the public where social distancing is not feasible and where it is estimated that more than 100 people are present, are required to wear masks.
3. All people 10 years or older are strongly urged to wear a face covering over their nose and mouth when in an area open to the public where it is difficult to keep six feet away from other people or working in areas that involve proximity with coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Fort Worth residents should continue to maintain social distancing of at least six feet while outside their home.
4. The requirement of a face covering does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual. The requirement of a face covering also does not apply when an individual is consuming a food or beverage or receiving a service where the wearing of a face covering would impair the performance of the service.
5. Any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order as permitted by law.

ORDERED this the 25th day of June 2020.



Betsy Price, Mayor

¹ For purposes of this Executive Order, the term "entities" shall include sole proprietorships.