

AN ORDER OF THE MAYOR OF GALVESTON PURSUANT TO
TEXAS GOVERNMENT CODE CH 418 RELATED TO CONTROL
MEASURES TO LIMIT THE SPREAD OF THE COVID-19 VIRUS
REQUIRING COMMERCIAL ENTITIES PROVIDING GOODS OR SERVICES
DIRECTLY TO THE PUBLIC TO DEVELOP A HEALTH AND SAFETY POLICY
MANDATING THE WEARING OF FACE MASKS IN THEIR FACILITY,
REQUIRING THE PUBLIC TO WEAR FACE MASKS,
PROHIBITING MASS GATHERINGS IN THE CITY
AND LIMITING ACCESS TO CITY BUILDINGS

WHEREAS, pursuant to Texas Government Code Ch. 418, City of Galveston Mayor James Yarbrough declared a state of local emergency and disaster on March 16, 2020 due to imminent threat arising from COVID-19; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 24, 2020, the Galveston City Council approved Ordinance 20-023 Continuing the Declaration of State of Local Disaster for the City and on April 3, 2020 approved Ordinance 20-033 again Continuing Declaration of State of Local Disaster for the City, and on May 28, 2020 approved Ordinance 20-036 again Continuing Declaration of State of Local Disaster for the City of Galveston; and

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by City of Council authorizes the Mayor of Galveston to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the order; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS) as well as those Declarations and Ordinances passed by the Mayor and City Council of Galveston, Texas; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety to the citizens of the City of Galveston and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread; and

WHEREAS, the Mayor has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a Mayor is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.08(g) of the Texas Government Code and his authority as Emergency Management Director;

WHEREAS, it is the intent of this Executive Order to remain as consistent and in harmony to the extent possible, with the Executive Orders of Governor Greg Abbott; and

WHEREAS, by the authority vested in me as Mayor of the City of Galveston and as the Emergency Management Director for the City of Galveston 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 Order.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, MAYOR JAMES D. YARBROUGH ISSUES THIS ORDER AS FOLLOWS: Effective as of 12:01 a.m. on Tuesday, June 23, 2020 ("Effective Date"), and continuing through 11 :59 p.m. on Tuesday, June 30, 2020 unless extended, modified or terminated early by the City Council of the City of Galveston or as otherwise indicated below:

- I. **Public Health Emergency.** That this Executive Order shall continue the local disaster declaration and public health emergency for City of Galveston for the period specified in this Executive Order and shall incorporate and adopt the most recent executive order GA-26 issued by Governor Greg Abbott on June 3, 2020, and any subsequent orders by the Governor relating to the expanded opening of Texas in response to the COVID-19 disaster.

- II. **Health and Safety Policy - Commercial Entities.** From the date of this Executive Order all commercial entities in the City of Galveston providing goods or services directly 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 or visitors to the commercial entity's business premises or other facilities 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 where six feet of separation is not feasible. The Health and Safety Policy required to be developed and implemented by this Executive Order 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. Commercial 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 \$1,000 for each violation.

- III. **Face Coverings - General Public.** That all people 10 years or older shall wear a face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. City of Galveston residents should continue to maintain social distancing of at least six feet while outside their home. City of Galveston employees are also required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS.

Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

- IV. City of Galveston City Hall and Facilities. That the Galveston City Hall shall have limited points of access for the public located using the front doors on Rosenberg Avenue.

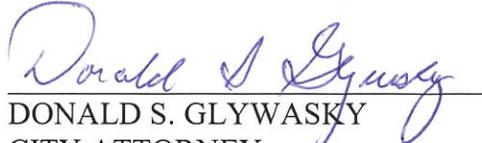
Further, all citizens and employees shall be appropriately screened before entering any City of Galveston owned or leased building. On entry, citizens and employees may be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a city-owned or leased

facility. All social distancing measures must be implemented at the above-described control points and while in any City of Galveston facility.

- V. City of Galveston Essential Business. That residents conduct essential City of Galveston business online or via regular mail to avoid visiting any city facilities unless absolutely necessary.
- VI. Mass gatherings. In accordance with Governors Executive Order GA-26 and consistent with that order, no individual, business, entity, promoter or organizer shall schedule, host or conduct any outdoor gathering reasonably anticipated to attract more than 100 participants unless approved by the Mayor in consultation with the local public health authority. Permission from the Mayor must be received at least ten days in advance of the requested mass gathering.
- VI. Severability. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Order are severable.
- VII. Interpretation and Additional Terms. To the greatest extent possible, the Order shall be interpreted as consistent with and supplemental to any executive Order issued by the Texas Governor. All provisions of the Executive Orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall automatically be incorporated into and constitute terms of this Order enforceable as is set forth herein without necessity for the issuance of any further orders.
- VIII. Excepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Greg Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce provisions of this Executive Order in accordance with the authority granted under Texas Disaster Act of 1975.
- IX. In accordance with the Texas Disaster Act, this declaration shall take effect immediately upon entry as set forth below and shall cease to be effective upon cessation of the Local State of Emergency and Disaster or by action of the City Council of the City of Galveston.

SO DECLARED AND ORDERED at 2:00 pm this the 22nd day of June 2020.

APPROVED AS TO FORM:


DONALD S. GLYWASKY
CITY ATTORNEY


JAMES D. YARBROUGH
MAYOR, CITY OF GALVESTON

ATTEST:


JANELLE WILLIAMS
CITY SECRETARY

