

Executive Order

BY THE
MAYOR OF THE CITY OF IOWA COLONY, TEXAS

June 26, 2020

EXECUTIVE ORDER 2020-03

*Relating to Face Masks, Health and Safety Plans, and other
COVID-19 Preparedness and Mitigation.*

WHEREAS I, Michael Byrum-Bratsen, Mayor of the City of Iowa Colony, Texas (“the City”), issued a Mayoral Declaration of Local State of Disaster Due to Public Health Emergency on March 18, 2020, declaring that a state of disaster exists throughout the City due to the novel coronavirus, COVID-19; and

WHEREAS, COVID-19 has been recognized globally as a contagious respiratory virus that spreads by person to person contact, especially in group settings, among other ways; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Iowa Colony Community, and in our area the rates of infection are increasing at an alarming rate, and the number of people requiring hospitalization, ICU treatment, or ventilators is also dramatically rising, despite efforts by local authorities to control the spread; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, and as amended, call upon Americans to slow the spread of COVID-19 by avoiding certain social gatherings, using drive-through, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster, certifying under Section 418.014 of the Texas Government Code that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas and to thus 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, in March 2020, the US Centers for Disease Control issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-

19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

WHEREAS, on March 15, 2020, the US Centers for Disease Control issued guidance as to large events, explaining that larger gatherings, for example more than 250 people, offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce, if possible, the number of attendees at larger gatherings; and

WHEREAS, the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, Governor Greg Abbott of the State of Texas issued Executive Order GA-08 dated March 19, 2020; and

WHEREAS, on April 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

WHEREAS, on April 17, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

WHEREAS, on May 12, 2020, Governor Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code; and

WHEREAS, on May 15, 2020, DSHS Commissioner Dr. Hellerstedt renewed the State's Public Health Disaster Declaration; and

WHEREAS, a declaration of public health disaster in and for the State of Texas still exists, as declared by Texas Governor Greg Abbott and the Texas Department of State Health Services (DSHS); and

WHEREAS, a declaration of Public Health Disaster in and for the City of Iowa Colony still exists, as declared by the Mayor of Iowa Colony and extended by the Mayor and City Council; and

WHEREAS, the Mayor of Iowa Colony is authorized to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Iowa Colony by the issuance of executive orders as necessary (each, an "Executive Order"); and

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

WHEREAS, the Mayor acts as the Emergency Management Director for the City and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418. 1015(a) and (b) of the Texas Government Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.011 of the Texas Government Code); and

WHEREAS, the Mayor, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

WHEREAS, the Mayor, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

WHEREAS, upon Declaration of a Local Disaster, a Mayor is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

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

NOW, THEREFORE, I, Michael Byrum-Bratsen, Mayor of the City of Iowa Colony, Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order on a city-wide basis:

I. Findings Of Fact. The findings and recitations set out in the preamble and any other part of this Order are found to be true and correct, and they are hereby adopted by the Mayor and made a part hereof for all purposes.

II. Effective Date. This order shall take effect on **Sunday, June 28, 2020**, and continue until lawfully terminated.

III. Public Health Emergency. This Executive Order shall incorporate and adopt 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.

IV. Health and Safety Policy – Commercial Entities.

A. No later than **Wednesday, July 1, 2020**, all commercial entities in Iowa Colony providing goods or services directly to the public must develop, post, and implement a Health and Safety Policy ("Health and Safety Policy").

B. The Health and Safety Policy must require, at a minimum, that all employees and visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity which will in reasonable probability involve being within six feet of another person, except as otherwise provided in **Section V** of this Order.

C. The Health and Safety Policy required by this Order may also contain other mitigation and protective measures, such as those recommend by the Centers for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. **Commercial entities must post the Health and Safety Policy required by this paragraph in a conspicuous location sufficient to provide notice to employees and visitors of the contents of the Health and Safety Policy.**

D. In addition to any other persons made responsible by law, each owner and manager of a commercial entity shall be responsible for complying with this section.

E. The term “commercial entity” herein shall mean any establishment open to the public or a significant portion of the public, regardless whether by membership, invitation, or otherwise, and regardless whether for profit. The term “commercial entity” does not include outdoor exercise areas, for example outdoor running tracks or paths, where persons in the act of exercising pass but do not stop within six feet of another person.

V. Face Coverings - General Public. Except for the exemptions below, all persons age 10 years or older shall wear a face covering over their nose and mouth when in an area in a commercial entity that in reasonable probability will involve being within six feet of another person. The CDC advises face coverings for people age two years or older. Face coverings may include homemade masks, scarves, bandanas, or handkerchiefs. Iowa Colony residents should continue to maintain social distancing of at least six feet while outside the home. City employees also are required to wear face coverings under the same circumstances as the general public.

IT IS STRONGLY RECOMMENDED THAT PEOPLE 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; or
- 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.

VI. Severability. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

VII. Interpretation and Additional Terms. To the greatest extent possible, this Executive 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 be automatically incorporated

into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

VIII. Posting. Iowa Colony will post this Order on the internet.

SIGNED ON JUNE 26, 2020.



MICHAEL BYRUM-BRATSEN,
MAYOR
CITY OF IOWA COLONY, TEXAS

ATTEST:



KAYLEEN ROSSER, CITY SECRETARY