

June 19, 2020

Waco City Secretary
Esmeralda Hudson, TRMC

**ORDER OF CITY OF WACO MAYOR KYLE DEAVER,
SUPPLEMENTING RESOLUTION NO. 2020-345**

DATE ORDER ISSUED: June 19, 2020

WHEREAS, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

WHEREAS, on March 13, 2020, the City of Waco closed to the public the Waco-McLennan County libraries, the Cameron Park Zoo, City of Waco Community Centers, City of Waco Senior Centers, Waco Convention Center & Visitors' Bureau, and the Texas Ranger Hall of Fame, said closure occurred on March 14, 2020; and

WHEREAS, on March 13, 2020, the Mayor of the City of Waco and the Waco-McLennan County Public Health District ("Health District") continued to urge persons to cancel, reschedule, and/or not attend gatherings attended by more than 250 people and made other recommendations regarding social distancing; and

WHEREAS, on March 15, 2020, the Centers for Disease Control ("CDC") lowered the recommended number of persons at mass gatherings to 50 persons; and

WHEREAS, on March 16, 2020, the CDC lowered the recommended number of persons at mass gatherings to 10 persons; and

WHEREAS, on March 17, 2020, Mayor Kyle Deaver issued a declaration of local disaster and public health emergency after determining that extraordinary and immediate measures had to be taken to respond quickly to prevent and slow down community spread of COVID-19; and

WHEREAS, on March 19, 2020, Mayor Deaver, McLennan County, and Governor Abbott issued orders prohibiting social gatherings in excess of 10 people; and

WHEREAS, on March 22, 2020, the Governor issued orders dealing with hospital care during this crisis; and

WHEREAS, on March 23, 2020, Mayor Deaver modified the local state of disaster and public health emergency to require sheltering at home; and

WHEREAS, on March 24, 2020, the Mayor and the City Council renewed, restated, and continued the local state of disaster and public health emergency until April 7, 2020; and

WHEREAS, on March 31, 2020, the Mayor and the City Council renewed, restated, and continued the local state of disaster and public health emergency until April 21, 2020; and

WHEREAS, on April 14, 2020, by Resolution No. 2020-247, the Mayor and the City Council renewed, restated, and continued the local state of disaster and public health emergency until April 30, 2020; and

WHEREAS, on April 17, 2020, the Governor issued several executive orders, including Executive Order GA-16, which allowed non-essential, retail businesses to reopen at 12:01 a.m. on Friday, April 24, 2020, for pick up, delivery by mail, and delivery to the customer's doorstep; and

WHEREAS, subsequent executive orders and proclamations of the Governor, including GA-23 ("Governor's Orders"), opened further businesses in phases; and

WHEREAS, the City modified its local state of disaster and public health emergency on April 21, April 28, May 7, and May 19, 2020 in compliance with the orders of Texas Governor Greg Abbott for a phased re-opening of businesses; and

WHEREAS, on May 26, 2020, Gov. Abbott issued a proclamation which modified GA-23 to allow additional openings in the state of Texas; and

WHEREAS, on May 28, 2020, the City modified its order to be in compliance with the Governor's order; and

WHEREAS, on June 3, 2020, Gov. Abbott issued GA-26 to allow additional openings in the state of Texas; and

WHEREAS, the numbers of confirmed cases in Waco and Texas has increased; and

WHEREAS, as of June 19, 2020, there are 103,305 persons confirmed to have COVID-19 in Texas, with 262 of those residing in McLennan County; and

WHEREAS, as of June 19, 2020, 2,140 Texans have died from COVID-19, five of whom resided in McLennan County; and

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, and the desire to slow the spread of COVID-19 to the maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding

the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and

WHEREAS, even people without symptoms can transmit the disease, and evidence shows the disease is easily spread; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, I, Kyle Deaver, have determined that additional, extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19,

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY KYLE DEAVER, MAYOR OF THE CITY OF WACO, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108:

1. That this Order supplements Resolution No. 2020-345. That Resolution No. 2020-345 remains in full force and effect.
2. That pursuant to §418.108(b) of the Texas Government Code, this Order shall continue for a period of not more than seven days from June 19, 2020, unless continued or renewed by the City Council of the City of Waco.
3. **Health and Safety Policy - Commercial Entities.**
 - a. From the date of this Order, every commercial entity in the City of Waco providing goods or services directly to the public must develop and implement a health and safety policy ("**Health and Safety Policy**").
 - b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity's business premises or other facilities wear face covering when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.
 - c. The Health and Safety Policy required to be developed and implemented by this 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.

d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of its Health and Safety Policy.

e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order on or before 12:01 a.m. on June 24, 2020 may result in a fine not to exceed \$1,000.00. Each day on or after June 24, 2020 for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.

f. It is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

4. **Face Coverings - General Public.** That all persons 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 coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or handkerchiefs. Residents of the City of Waco should continue to maintain social distancing of at least six feet while outside their home. That all employees working for the City of Waco 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:

- a. When exercising outside or engaging in physical activity outside;
- b. While driving alone or with passengers who are part of the same household as the driver;
- c. When doing so poses a greater mental or physical health, safety, or security risk;
- d. While pumping gas or operating outdoor equipment;
- e. While in a building or participating in an activity that requires security surveillance, screening, or identification, for example, banks; and
- f. 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 physical 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,

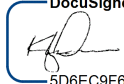
avoiding touching nose or face, not using disposable masks more than three times, and washing reusable cloth masks regularly to prevent the spread of the virus.

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.

5. That all provisions of this Order should be interpreted to effectuate this intent. To the greatest extent possible, this 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 subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.
6. That except Section 4 of this Order, and in accordance with the limitations contained in the executive orders of the Texas Governor, that any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.
7. That this Order shall become effective at 12:01 a.m. on June 20, 2020.
8. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
9. That any violation of this Order can be enjoined by a suit filed in the name of the City of Waco in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Waco, Texas.
10. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any prior act, ordinance, order, declaration, or resolution of the City Council of the City of Waco; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Order.
11. That the City of Waco must promptly provide copies of this Order by posting it on the City of Waco website.

12. That if any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, 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.

ORDERED this the 19th day of June, 2020.

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Kyle Deaver, Mayor
Waco, Texas