

**CITY OF PORT LAVACA, TEXAS
MAYORAL AMENDED ORDER
RELATING TO COVID-19
REQUIRING ADDITIONAL HYGIENE MEASURES**

***Summary:** This Order (1) requires all commercial entities in the City providing goods or services to the public to implement a Health and Safety Policy which requires employees and customers to wear facial coverings, and (2) requires all people to wear facial coverings inside of City facilities.*

WHEREAS, a respiratory disease caused by a novel coronavirus virus is spreading in our area which has been named "SARS-Co V-2" and the disease it causes has been named "coronavirus disease 2019" ("COVID-19"). Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, Greg Abbott, Governor of the State of Texas, issued Executive Order GA-26 on June 3, 2020, ("EO-GA-28"), which ordered that every Texan (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS and expressly allowed business to require a customer to follow additional hygiene measures when obtaining services; and

WHEREAS, I, Jack Whitlow, Mayor of the City of Port Lavaca, hereby declare a State of Local Disaster due to a Public Health Emergency due to the increased spread of the Covid-19 disease; and

WHEREAS, section 122.006 of the Texas Health and Safety Code authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules;

WHEREAS, section 418.108(g) of the Texas Government Code authorizes the mayor of a municipality, during a declared local disaster, to control the movement of persons and the occupancy of premises in that area, which 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, this order seeks to provide the greatest degree of protection available to the Citizens of Port Lavaca, consistent with the limitations imposed by EO- GA-28.

NOW THEREFORE, I, Jack Whitlow, Mayor of the City of Port Lavaca, Texas, acting under the authority granted to me by Chapter 418 of the Texas Government Code, do hereby find and order:

1. That this Order is consistent with EO-GA-28, in that it does not restrict services allowed by EO-GA-28, allow gatherings prohibited by EO-GA-28, or expand the list or scope of services in EO-GA-28.
2. That, from the date of this Order, all commercial entities in the City of Port Lavaca providing goods or services directly to the public are hereby **ORDERED** to 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 where six feet of separation is not feasible or performing an activity which will necessarily involve close contact or proximity to co-workers or the public. For example, in a restaurant, patrons should be required to wear face coverings when sitting within 6 feet of any person outside of their party, or when restaurant staff is within 6 feet of the party's table. 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. Commercial entities must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements.
3. That, beginning Monday, June 29, 2020, each person is **ORDERED** to wear a face covering over his/her nose and mouth when inside a City Facility within the City of Port Lavaca unless each person is able to maintain at least six feet of separation from all other people in the facility, excepting members of the same household. For the purpose of this Order, the term "City Facility" includes City Hall, the Police Station, each Fire Station, the Public Works Department facilities, the Port Lavaca Wastewater Treatment Plant, the Nautical Landings building, the Nautical Landings Marina, the Lighthouse Beach Laundry facility, the Lighthouse Beach Kiosk and the Bauer Community Center. Any person in violation of this paragraph of this order shall be denied admittance to such City Facility and, if necessary, may be removed from such City Facility, but no person shall be issued a fine or confined in jail for failure to wear a facial covering.
4. That peace officers of the City of Port Lavaca, are hereby authorized to enforce this order to the extent of their authority under state and local law.
5. That the City of Port Lavaca will post this Order on the website www.portlavaca.org and other social media. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
6. 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 preempted by an executive order of the Governor, or 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 remainder of this Order and its application.

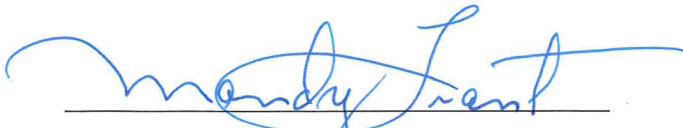
7. That this **ORDER** shall take effect immediately and continue until lifted or further extended by separate order.

ORDERED this 30th day of June, 2020 and approved by City Council.



Jack Whitlow, Mayor

ATTEST:



Mandy Grant, City Secretary