



ORDER NO. O-20-04

ORDER NO. 3 REGARDING THE USE OF FACIAL PROTECTION

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WHEREAS, on March 13, 2020, pursuant to Section 418.108(a) of the Texas Government Code, the mayor of the City of Missouri City issued Order No. O-20-01 (the “Declaration of Local Disaster”), proclaiming a local state of disaster due to a pandemic resulting from a novel coronavirus now designated as “COVID-19;” and

WHEREAS, on March 16, 2020, pursuant to Ordinance No. O-20-12, the City Council of the City of Missouri City (the “City”) ratified and continued the Declaration of Local Disaster; and

WHEREAS, on June 26, 2020, pursuant to Order No. O-20-02, the mayor of the City required commercial entities to develop, post, and implement certain health and safety policies related to requiring masks to mitigate the COVID-19 cases in Missouri City; and

WHEREAS, on July 2, 2020, the governor of the State of Texas issued Executive Order 29, amending Executive Order 28, requiring every person in a majority of Texas counties to wear a face covering when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household (“EO 29”); and

WHEREAS, EO 29 authorized the enforcement of local restrictions that are consistent with EO 29; and

WHEREAS, on or about July 14, 2020, pursuant to Order No. O-20-03, the mayor of the City required commercial entities to develop, post, and implement certain health and safety policies related to requiring masks to mitigate the COVID-19 cases in Missouri City until August 1, 2020; and

WHEREAS, according to the Texas Department of State Health Services, as of August 30, 2020, the confirmed cases per 1,000 people in Fort Bend County was 17.77, which indicates that the threat of widespread or severe damage, injury, or loss of life resulting from the COVID-19 pandemic continues; and

WHEREAS, pursuant to Sections 418.1015 and 418.108 of the Texas Government Code, the presiding officer of the governing body of an incorporated city may control ingress to and egress from a disaster area under the jurisdiction and authority of the presiding officer and may control the movement of persons and the occupancy of premises in that area; and

WHEREAS, this Order is not intended to conflict with any order issued by the governor of the State of Texas or the county judges of Harris County or Fort Bend County; now, therefore,

BE IT ORDERED BY THE MAYOR OF THE CITY OF MISSOURI CITY, TEXAS:



Section 1. The facts and recitations set forth in the preamble of this Order are hereby found to be true and correct.

Section 2. Pursuant to Sections 418.1015 and 418.108 of the Texas Government Code, effective as of 12:01 a.m., September 1, 2020, and continuing until 12:01 a.m. on November 30, 2020, unless terminated, modified, or superseded by a subsequent order, ordinance, or applicable law, the Mayor of the City of Missouri City deems it in the public interest to order the following:

A. Health and Safety Policy for Commercial Entities Required.

- (1) All commercial entities with premises located in Missouri City, Texas, that provide goods and services for profit on such premises directly to the public must develop, post, and implement a policy requiring all employees and visitors to wear face coverings as required by Texas Governor Greg Abbott's Executive Order 28, as amended by Executive Order 29, and as such order may otherwise be amended or superseded by a subsequent order of the governor ("Policy"). Face coverings may include, but are not limited to, homemade masks, scarfs, bandanas, and handkerchiefs.
- (2) Commercial entities must post the Policy in a conspicuous location to provide employees and visitors with sufficient notice of the Policy.
- (3) Commercial entities must include the following language in the posted Policy: "Failure to develop, post, and implement this policy may result in a fine, not to exceed \$1,000 for each violation."
- (4) The Policy must be developed, posted, and implemented by September 4, 2020.
- (5) Following a written warning for a first-time violation, a second violation will be punishable by a fine described by this subdivision. Failure to develop, post, and implement the Policy may result in a fine, not to exceed \$1,000 for each violation.

Section 3. Pursuant to this Order and the Missouri City Charter, the officers and employees of the City of Missouri City are hereby authorized and directed to execute such instruments and take such actions as are consistent with the provisions of this Order. The city manager or his designee shall designate the appropriate department to enforce this Order.

Section 4. This Order shall take effect at 12:01 a.m. on September 1, 2020, and shall continue until 12:01 a.m. on November 30, 2020, unless terminated, modified, or superseded by a subsequent order, ordinance, or applicable law.

ORDERED this 31st day of August, 2020.

Time: 3:19 p.m.

DocuSigned by:

Yolanda Ford

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Yolanda Ford, Mayor



ATTEST:

DocuSigned by:

Maria Jackson

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Maria Jackson, City Secretary

APPROVED AS TO FORM:

DocuSigned by:

E. Joyce Iyamu

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E. Joyce Iyamu, City Attorney