



# CITY OF PEARSALL

## EMERGENCY DECLARATION #7 OF MAYOR MARY MOORE

ISSUED JULY 14, 2020

**WHEREAS**, pursuant to Texas Government code Section 418.108, Mayor Mary Moore declared a state of local disaster on March 19, 2020 due to imminent threat arising from COVID-19;

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), on June 22, 2020, the City of Pearsall City Council approved an Order Continuing Declaration of State of Local Disaster for City of Pearsall and on July 14, 2020, the City of Pearsall City Council again approved an additional Order Continuing Declaration of State of Local Disaster for City of Pearsall (hereafter, the "*Second Order of Continuation of Declaration*");

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

**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) and by approval of the Second Order of Continuation of Declaration, the City of Pearsall City Council authorized the City of Pearsall Mayor to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of City of Pearsall by the issuance of executive orders as necessary (each, an "*Executive Order*")

**WHEREAS**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Pearsall Community 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;

**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 418.108(g) of the Texas Government Code and his authority as Emergency Management Director;

**WHEREAS**, it is in the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Abbott and the current declaration of the Mayor of the City of Pearsall (as extended or modified) ; and

**WHEREAS**, by the authority vested in me as Mayor of the City of Pearsall and as the Emergency Management Director for the City of Pearsall 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 rescind my previous Executive Orders and any Supplemental Executive Orders and

issue this revised Executive Order in their place.

**PURSUANT TO THE DISASTER ACT OF 1975, MAYOR MARY MOORE HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:**

Effective as of 11:59 p.m. on Tuesday, July 14, 2020 (“**Effective Date**”), and continuing through 11:59 p.m on Tuesday, August 11, 2020 unless extended, modified or terminated early by City of Pearsall Mayor Mary Moore 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 Pearsall 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 City of Pearsall providing goods or services directly to 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 space 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 Pearsall residents should continue to maintain social distancing of at least six feet while outside their home. City of Pearsall 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 Pearsall Facilities.** That the City of Pearsall facilities shall have limited points of access, subject to modification as deemed necessary by the City Manager, and that all other city-owned or leased buildings have a single controlled point of entrance. Further, all citizens, visitors and employees shall be appropriately screened before entering any City of Pearsall owned or leased building. At the control points, citizens, visitors and employees shall 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 Pearsall facility.

V. **City of Pearsall Essential Business.** That residents of Pearsall conduct essential Pearsall business online or via regular mail to avoid visiting any Pearsall facilities unless absolutely necessary.

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 or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provisions, and to this end, the provisions of this Executive Order are severable.

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 order of the Texas 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. **Enforcement.** Excepting Section III of this Executive Order and in accordance with the limitations contained in the executive orders of Governor Abbott, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

**ORDERED** this 14th day of July, 2020

*Mary L. Moore*

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**Mary Moore, Mayor**