

**ORDER OF MAYOR SAM R. FUGATE REGARDING HEALTH AND SAFETY POLICY  
AND FACE COVERINGS. ISSUED JUNE 22, 2020.**

**WHEREAS**, pursuant to Texas Government Code Section 418.108, Mayor Sam R. Fugate issued a Declaration of Disaster for Public Health Emergency on March 17, 2020, due to the novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

**WHEREAS**, the Declaration of Local Disaster for Public Health Emergency has been continued several times with the consent of the Kingsville City Commission;

**WHEREAS**, on March 24, 2020, the World Health Organization indicated that the United States has the potential to become the center of the COVID-19 pandemic;

**WHEREAS**, on June 11, 2020, Texas Governor Greg Abbott issued a proclamation renewing the Disaster Declaration for all counties in Texas in accordance with Section 418.014 of the Texas Government Code;

**WHEREAS**, the COVID-19 virus is highly contagious and mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes and the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death;

**WHEREAS**, the Governor of the State of Texas on March 13, 2020, under the authority of the Texas Disaster Act of 1975, issued a proclamation certifying that COVID-19 (novel coronavirus) poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas and directed that all necessary measures, both public and private as authorized under Section 418.015, Texas Government Code, be implemented to meet the disaster; and the Governor issued a proclamation on April 12, 2020 extending his Disaster Declaration for all Texas Counties due to COVID-19;

**WHEREAS**, the Commissioner of the Texas Department of State Health Services (SDHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code;

**WHEREAS**, it has been learned that up to 25% of COVID-19 carriers can be asymptomatic for days thereby unknowingly exposing others to the virus;

**WHEREAS**, on about April 4, 2020 the COVID-19 Task Force and CDC recommended that all individuals going out in public wear a protective face mask to the greatest extent possible in an effort to slow the spread of this virus;

**WHEREAS**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the city of Kingsville and rates of infection are increasing at an alarming and exponential rate and the number of people in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread;

**WHEREAS**, the City of Kingsville is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

**WHEREAS**, pursuant to Section 418.108 of the Texas Government Code, the Mayor is designated as the emergency management director of the City of Kingsville, and may exercise the powers granted to the governor on an appropriate local scale such as to declare a local state of disaster, enact necessary measures regarding the disaster, and to serve 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;

**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;

**WHEREAS**, the Mayor has determined that extraordinary 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**, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Abbott, as extended or modified;

**WHEREAS**, the Kleberg County Judge issued the same executive order today, June 22, 2020;

**WHEREAS**, by the authority vested in me as the Mayor of the City of Kingsville and as the Emergency Management Director for the City of Kingsville that in order 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 issue this Executive Order to protect the lives, health, welfare and safety of the City's residents from the devastating impacts of this pandemic.

**NOW, THEREFORE, I, MAYOR SAM R. FUGATE OF THE CITY OF KINGSVILLE, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY PROCLAIMS, FIND, AND ORDER:**

THAT the findings and recitations set out in the preamble to 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.

Effective as of 11:59 p.m. on June 22, 2020, ("Effective Date") and continuing until 11:59 p.m. on June 29, 2020, unless extended, modified, or terminated early by Mayor Fugate or the City Commission of the City of Kingsville:

**Section 1.** That a local state of disaster and public health emergency declared for the City of Kingsville pursuant to Section 418.108(a) of the Texas Government Code as declared by the Mayor on March 17, 2020 due to the public health emergency created by COVID-19, which declaration was amended on March 18, 2020 and extended by the Kingsville City Commission on March 23, 2020, is further extended and shall continue until terminated, suspended, rescinded, or amended by order of the City Commission of the City of Kingsville.

**Section 2. Public Health Emergency.** This Executive Order shall incorporate and adopt the most recent executive order GA-26 issued by Texas Governor Greg Abbott on June 3, 2020, and any subsequent orders by the Governor relating to the expanded opening in Texas in response to the COVID-19 disaster.

**Section 3. Health and Safety Policy – Commercial Entities.** From the Effective Date of this Order, all commercial entities in the City of Kingsville providing goods and 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 while 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 Order may also include the implementation of other mitigating measures designed to control or 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.

**Section 4. Face Coverings – General Public.** All people 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 (6) feet away from other people or working in areas that involve close proximity with other coworkers. The Centers for Disease Control and Prevention (“CDC”) advises face covering for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. City of Kingsville residents and visitors should continue to maintain social distancing of at least six (6) feet while outside their homes. City of Kingsville 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 provided that the Governor’s minimum standard protocols and social distancing measures are followed:

- ~ When exercising outside, engaging in physical activity outside, or inside a work-out facility;
- ~ 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, for example, when inside a restaurant, in a drive-thru, or other beverage and dining facilities.

Please note that face coverings are a secondary strategy to other mitigating 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 (6) feet away from others;
- ~ Avoid 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 TEXAS GOVERNOR'S EXECUTIVE ORDER GA-26, NO CIVIL OR CRIMINAL PENALTY WILL BE IMPOSED ON INDIVIDUALS FOR FAILURE TO WEAR A FACE COVERING.

**Section 5. 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.


**Section 6. 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 further orders.

**Section 7. Enforcement.** Excepting Section 4 of this Executive Order and in accordance with the limitation contained in the executive orders of Texas Governor Abbott, 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.

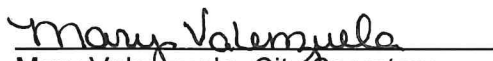
**Section 8.** As Mayor, I further reserve all other authority and powers conferred by state law to respond as necessary to this situation.

**Section 9.** That pursuant to Section 418.108(c) of the Texas Government Code, this declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**DECLARED AND ORDERED** this the 22nd day of June, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary