



## TARRANT COUNTY

### EXECUTIVE ORDER OF COUNTY JUDGE B. GLEN WHITLEY ISSUED June 25, 2020

**WHEREAS**, pursuant to Texas Government Code § 418.108, Tarrant County Judge B. Glen Whitley issued a Declaration of Local Disaster Due to Public Health Emergency on March 13, 2020 in response to the imminent threat of widespread illness from COVID-19; and

**WHEREAS**, the Declaration of Local Disaster declared on March 13, 2020 has remained in place continuously since such date and shall remain in force and effect until August 31, 2020, unless rescinded by an order of the Commissioners Court; and

**WHEREAS**, Governor Greg Abbott, on April 17, 2020, suspended Section 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that were inconsistent with the Governor's executive orders; and

**WHEREAS**, Governor Greg Abbott, on or about April 27, 2020, expressed that local officials cannot require individuals to wear face masks to ensure that individual liberty is not infringed upon by government; and

**WHEREAS**, Governor Greg Abbott, on June 17, 2020, stated that local governments can require stores and businesses to require masks; and

**WHEREAS**, Governor Greg Abbott, on June 23, 2020, amended a previous executive order to allow local officials to "impose additional restrictions" on outdoor gatherings estimated to be in excess of 100 people in certain circumstances; and

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

**WHEREAS**, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS) and locally by the approval of the Third Amended Declaration of Local Disaster Due to Public Health Emergency issued and renewed by Commissioners Court action on June 2, 2020;

**WHEREAS**, the Tarrant County Judge is authorized to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Tarrant County by the issuance of executive orders as necessary so long as such action is consistent with Governor Abbott's executive orders; and

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

**WHEREAS**, by the authority vested in me as Tarrant County Judge 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 issue this Executive Order.

**THEREFORE**, pursuant to Texas Government Code Chapter 418 and the Texas Disaster Act of 1975, be It Proclaimed and **ORDERED** by the County Judge that effective at 6:00 p.m. on June 26, 2020, ("Effective Date") of this executive order and continuing through 6:00 a.m. on August 3, 2020, unless extended, modified or terminated early by the Tarrant County Judge or the Commissioners Court that:

1. From the date of this Executive Order, all entities<sup>1</sup> in Tarrant County 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 and visitors to the entity's business premises 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. The Health and Safety Policy may allow individuals with an operational need to remove a face covering so long as such operational needs are specifically addressed in the Health and Safety Policy. The Health and Safety Policy 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. 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 pursuant to Texas Government Code Section 418.173. An example Health and Safety Policy is provided on page 3.
2. Other than the exceptions specifically provided in the executive orders of Governor Greg Abbott, individuals in areas open to the public where social distancing is not feasible and where it is estimated that 100 people or more are present, are required to wear masks.
3. All people 10 years or older are strongly urged to wear a face covering over their nose and mouth when in an area open to the public where it is difficult to keep six feet away from other people or working in areas that involve proximity with coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Tarrant County residents should continue to maintain social distancing of at least six feet while outside their home.
4. The requirement of a face covering does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual. The requirement of a face covering also does not apply when an individual is consuming a food or beverage or receiving a service where the wearing of a face covering would impair the performance of the service.
5. Any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order as permitted by law.

**ORDERED** this the 25th day of June 2020.

  
B. Glen Whitley, County Judge

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<sup>1</sup> For purposes of this Executive Order, the term "entities" shall include sole proprietorships.

## Example Health and Safety Policy

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Because of the hidden nature of this threat, it is the policy of this business to require the following:

**1. FACE COVERING REQUIRED IN ORDER TO ENTER AND REMAIN ON PREMISES.** All persons over the age of ten (10), including employees, customers, visitors, invitees and contractors ("Patrons"), who enter this business must wear a face covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief.

- The requirement of a face covering does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual.
- The requirement of a face covering also does not apply when an individual is consuming a food or beverage or receiving a service where the wearing of a mask would impair the performance of the service.

**2. SOCIAL DISTANCING PROTOCOLS.** Even with the use of appropriate face coverings, individuals should maintain six feet of social distancing whenever possible.

- Employees should not work within six (6) feet of one another, except to the extent necessary to provide services.
- Patrons should maintain six (6) feet of separation from other individuals outside their household, to the extent feasible when inside the business premises.
- Patrons of the business queuing or waiting inside or on the premises of the business must maintain six (6) feet of separation from other individuals outside their household.

**3. VIOLATIONS.** Patrons who do not wear a face covering will be asked to leave the premises and will not be provided goods or services until the face covering requirements are followed.

**4. NOTICE AND SIGNAGE.** Notice of this Health and Safety Policy will be posted in a conspicuous location of the business.