

TARRANT COUNTY

EXECUTIVE ORDER OF COUNTY JUDGE B. GLEN WHITLEY ISSUED November 24, 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has remained in place continuously since such date and shall remain in force and effect until February 28, 2021, unless rescinded by an order of the Commissioners Court; and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, I, Tarrant County Judge B. Glen Whitley, on June 25, 2020, issued an executive order requiring all entities in Tarrant County, including sole proprietorships, providing goods or services directly to the public to develop and implement a health and safety policy to help stop the spread of COVID-19; and

WHEREAS, Governor Greg Abbott, on July 2, 2020, issued a proclamation amending a previous executive order to prohibit outdoor gatherings estimated to be in excess of 10 people in certain circumstances unless specifically approved; and

WHEREAS, Governor Greg Abbott, on July 2, 2020, issued Executive Order GA-29 which requires individuals to wear face coverings over the nose and mouth in certain circumstances to help slow the spread of COVID-19; 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 Fifth Amended Declaration of Local Disaster Due to Public Health Emergency issued and renewed by Commissioners Court action on November 24, 2020; and

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 significantly dissipated and remains a serious threat to the health and safety of the Tarrant County Community and additional action is necessary to decrease rates of infection and the number of people admitted to hospitals, ICU, or on ventilators; 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; and

WHEREAS, the Executive Order issued on June 25, 2020 ("June Executive Order") was extended by Executive Order on July 31, 2020 and August 25, 2020.

NOW THEREFORE, pursuant to Texas Government Code Chapter 418 and the Texas Disaster Act of 1975, be it **Proclaimed** and **ORDERED** that the Executive Order issued on June 25, 2020 is hereby again extended until **February 28, 2021**, unless extended, modified or terminated earlier by the Tarrant County Judge or the Commissioners Court, with regard to the following:


All entities in Tarrant County, including sole proprietorships, shall continue to enforce its Health and Safety Policy developed and implemented pursuant to the June Executive Order. Said Health and Safety Policy must require, at a minimum, that all employees and visitors to the entity's business premises wear face coverings over the nose and mouth when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public. 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.

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 continue to post the Health and Safety Policy required by the June Executive Order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop, implement, and continue to follow the Health and Safety Policy required by the June Executive Order may result in a fine not to exceed \$1,000 for each violation pursuant to Texas Government Code Section 418.173.

Other than the exceptions specifically provided in Governor Abbott's Executive Order GA-29, individuals in a commercial entity or other building or space open to the public, or in an outdoor public space, where social distancing of at least six feet is not feasible from another person not in the same household, are required to wear masks.

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 24th day of November 2020.


B. Glen Whitley, County Judge