

ORDER OF MAYOR RACHEL L. PROCTOR

DATE ORDER ISSUED: April 10, 2021

WHEREAS, beginning in December, 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, spread through the world and was declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas, Greg Abbott (the “Governor”), declared a state of disaster for the State of Texas; and

WHEREAS, pursuant to Texas Government Code Section 418.108 and Article 1.800 “Emergency Management” of the City’s Code of Ordinances, the Mayor of the City of DeSoto (the “Mayor”) issued a Declaration of Local Disaster for Public Health Emergency on March 13, 2020; and,

WHEREAS, on March 13, 2020, the Mayor issued an Order in furtherance of her authority to protect the safety and welfare of the public by slowing the spread of the virus; and,

WHEREAS, on March 19, 2020, the City Council of the City of DeSoto adopted a Resolution ratifying and ordering the continuation of the Declaration of Local Disaster for Public Health Emergency; and

WHEREAS, on April 7, 2020, the City Council of the City of DeSoto passed Ordinance 2191-20 indefinitely extending the local state of disaster declared by the Mayor and previously extended by City Council unless and until terminated by subsequent order by the Mayor and authorized the Mayor issue, modify, or terminate any lawful emergency order; and

WHEREAS, on March 2, 2021, the Governor issued Executive Order GA-34 which increased capacity of all business and facilities to their normal operating capacity and rescinded the statewide face covering mandate and most prior executive orders relating to COVID-19; and

WHEREAS, the Order of Mayor Rachel L. Proctor issued on March 10, 2021, requiring all individuals to wear a face covering when visiting any City of DeSoto building, facility, or outdoor space and limiting the capacity for City of DeSoto buildings and facilities to 50% shall be extended effective April 10, 2021; and

WHEREAS, Executive Order GA-34 strongly encourages every person to use good-faith efforts and available resources to follow the Texas Department of State Health Services (“DSHS”) health recommendations in providing or obtaining services; and

WHEREAS, Executive Order GA-34 does not preclude businesses or other establishments, including local government facilities, to require employees and customers to follow additional hygiene measures, including the wearing of a face covering; and

WHEREAS, pursuant to the Texas Government Code, Chapter 418, and the authority granted in Ordinance 2191-20, Mayor Rachel L. Proctor finds it in the public interest to issue regulations for City of DeSoto facilities;

THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF DESOTO, TEXAS:

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to safeguard public health and safety. Because of the risk of the spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals to wear a face covering when visiting any City of DeSoto building, facility, or outdoor space. This Order also limits capacity for City of DeSoto buildings and facilities to 50% of their listed occupancy. This Order takes effect at 12:01 a.m. on April 10, 2021 and will continue until rescinded, superseded, or amended or until expired pursuant to applicable law.

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, MAYOR RACHEL L. PROCTOR ORDERS:

That effective as of 12:01 a.m. on April 10, 2021, and continuing until rescinded, superseded, or amended or until expired pursuant to applicable law, the following is ordered:

1. All previous Emergency Orders of the City of DeSoto in conflict with this order and Executive Order GA-34 are hereby rescinded.
2. All persons shall wear a face covering over their nose and mouth while visiting any city building or facility, provided, however that this face covering requirement does not apply to the following:
 - a. Any person younger than two (2) years of age;
 - b. Any person with a medical condition or disability that prevents wearing a face covering;
 - c. Any person while consuming food or drink;
 - d. Any person while the person is in their office and maintaining a safe distance from other people not in the same household;
 - e. Any person giving a speech for a broadcast or to an audience; or
 - f. Any person expressly exempted by a city policy applicable to the premises or facility.

Following a verbal or written warning for a first-time violator of this face covering requirement, any person not wearing a face covering shall be denied permission to enter any city building, facility, or outdoor space and any official with authority to enforce this executive order may act to enforce trespassing laws and remove such persons from the city building, facility, or outdoor space if such person is violating this emergency order.

Local law enforcement and other local officials, as appropriate, can and should enforce this emergency order, Executive Order GA-34 and other effective emergency orders, as well as local restrictions that are consistent with this order and other effective emergency orders. But no law enforcement or other official may arrest or confine in jail any person

for a violation of this emergency order or for related non-violent, non-felony offenses that are predicated on a violation of this emergency order.

Signs must be prominently posted at each city building or facility advising the public that a face covering is required while on the premises of the building, facility, or outdoor space.

3. All persons conducting a gathering or event of more than ten (10) people on city-owned outdoor space, such as city parks and city grounds, shall be required to submit a COVID plan that includes how the gathering or event will be conducted to ensure the use of facemasks, social distancing, and other necessary and reasonable efforts to prevent the spread of COVID-19. The COVID plan shall be submitted to and approved by the City Manager or his designee.
4. Every city building and facility shall operate at no more than fifty percent (50%) of the total listed occupancy of the building or facility.
5. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.
6. Pursuant to Section 418.108(c) of the Texas Government Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the City Secretary. Additionally, the City of DeSoto must promptly provide copies of this Order by posting on the City of DeSoto website. In addition, the manager or operator of any building, facility, or outdoor space that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
7. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, 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.
8. This Order shall take effect immediately from and after its issuance.



IT IS SO ORDERED

A handwritten signature in blue ink, appearing to read "Rachel L. Proctor".

Rachel L. Proctor
Mayor, City of DeSoto