

**EXECUTIVE ORDER  
BY THE MAYORS OF THE CITIES OF  
LIBERTY, DAYTON AND CLEVELAND, TEXAS**

**JULY 21, 2020**

**REQUIREMENT FOR COMMERCIAL ENTITIES PROVIDING GOODS  
OR SERVICES DIRECTLY TO THE PUBLIC TO MANDATE THE  
WEARING OF FACE COVERINGS IN THEIR FACILITIES.**

**WHEREAS**, on March 13, Texas Governor Greg Abbott issued a disaster proclamation certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

**WHEREAS**, the Texas Department of State Health Services determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, there continues to exist a declaration of public health disaster for the State of Texas as previously declared by Governor Greg Abbott; and

**WHEREAS**, the transmission of COVID-19 has significantly increased in recent days and remains a threat to the health and safety of the residents of the Cities of Liberty, Dayton and Cleveland, Texas (together, the "Cities"), and the rates of infection and hospitalizations continue to increase; and

**WHEREAS**, the Cities must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

**WHEREAS**, Mayor Carl Pickett of the City of Liberty, Mayor Caroline Wadzeck of the City of Dayton and Mayor Richard Boyett of the City of Cleveland (together, the "Mayors") have determined that extraordinary emergency measures must be taken to mitigate the spread of COVID-19; and

**WHEREAS**, the Mayors are authorized to control the occupancy of premises within the Cities in accordance with Section 418.08(g) of the Texas Government Code; and

**WHEREAS**, on July 2, 2020, Texas Governor Greg Abbott issued Executive Order GA-29, generally requiring the use of face coverings by individuals greater than ten (10) years of age when in public, a copy of such order which is attached as Exhibit "A" hereto; and

**WHEREAS**, it is the intent that this Order remain consistent and in harmony with previous Executive Orders issued by Texas Governor Greg Abbott.

**NOW, THEREFORE, WE, MAYOR CARL PICKETT FOR THE CITY OF LIBERTY, TEXAS, MAYOR CAROLINE WADZECK FOR THE CITY OF DAYTON, TEXAS, AND MAYOR RICHARD BOYETT FOR THE CITY OF CLEVELAND, TEXAS, PURSUANT**

**TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418,  
HEREBY FIND AND ORDER THAT:**

**SECTION 1.** The findings and recitations set out in the preamble to this Order are found to be true and correct and are hereby adopted by the Mayors and made a part hereof for all purposes.

**SECTION 2.** Effective as of 12:00 a.m. on July 23, 2020 (the “Effective Date”), and continuing until modified, amended, rescinded, or superseded, the Mayors of the Cities of Liberty, Dayton and Cleveland, Texas, deem it in the public interest to order that:

**Mandatory Health and Safety Policy for Commercial Entities.** From the Effective Date of this Order, all commercial entities in the Cities that provide goods and services directly to the public must develop and implement a health and safety policy (“Policy”). The Policy must require, at a minimum, that all employees, customers, vendors and visitors, ten (10) years of age or older, wear face coverings over the nose and mouth when accessing areas of the commercial entity’s premises that involve close contact or proximity to employees or members of the public, where six feet of separation is not feasible. Face coverings required by this Order may include, but are not limited to, face shields, surgical masks, industrial masks, homemade masks, scarfs, bandanas, or handkerchiefs. The Policy required to be developed and implemented by this Order may include implementation of additional measures designed to control and reduce the transmission of COVID-19.

Commercial entities must post the Policy required by this Order in a conspicuous location sufficient to provide notice to employees, customers, vendors, and visitors of all health and safety requirements.

A commercial entity which posts and implements the sample Commercial Entity Health and Safety Policy attached to this Order as Exhibit “B” and incorporated herein shall be determined to be in compliance with this Order.

Failure of a commercial entity to develop, post and implement the Policy required by this Order by 12:00 a.m. on July 21, 2020 may result in a fine, not to exceed \$500.00 for each violation.


Consistent with Executive Order GA-29 issued by Governor Greg Abbott on July 2, 2020, individuals greater than ten (10) years of age are generally required to use face coverings when in public as set forth in Executive Order GA-29. A copy of Governor Abbott’s Order is attached as Exhibit “A” hereto.

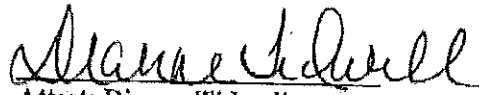
**SECTION 3.** The Cities must promptly provide notice of this Order to the public by posting on the website for each City and filing a copy of this Order with the City Secretary for each City. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, 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.

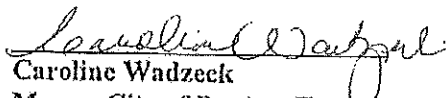
SECTION 4. In accordance with the limitations set forth in the Executive Orders of Governor Greg Abbott, any law enforcement agency with jurisdiction in the Cities are hereby authorized to enforce this Order by the authority granted under Section 418.173 of the Texas Government Code.


FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.

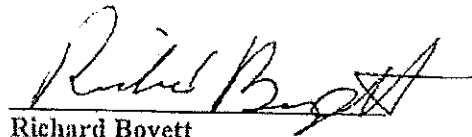
ORDERED THIS 21st DAY OF JULY 2020, at 1:46 p.m.

  
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Carl Pickett  
Mayor, City of Liberty, Texas

  
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Attest: Dianne Tidwell  
City Secretary

  
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Caroline Wadzeck  
Mayor, City of Dayton, Texas

  
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Attest: Jennifer Billings  
City Secretary

  
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Richard Boyett  
Mayor, City of Cleveland, Texas

  
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Attest: Angela Smith  
City Secretary

# EXHIBIT A

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

EXECUTIVE ORDER  
GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

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

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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2:30pm O'CLOCK

JUL 02 2020

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

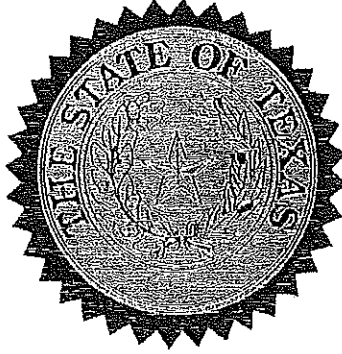
Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: ", but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering."

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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2:30 PM O'CLOCK

JUL 02 2020



Given under my hand this the 2nd  
day of July, 2020.

Handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT  
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive script.

RUTH R. HUGHS  
Secretary of State

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SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020



# EXHIBIT B

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## COMMERCIAL ENTITY HEALTH AND SAFETY POLICY

1. This place of business may only operate at the occupancy level set forth by Texas Governor Greg Abbott.
2. All employees must wear face coverings when entering this building.
3. Employees experiencing any symptoms shall not enter this place of business, but shall notify their supervisor immediately and call their primary care provider.
4. All employees must wear face coverings when in contact with the public, during food preparation, or within six (6) feet of coworkers and other employees.
5. Customers and persons visiting the place of business shall enter wearing face coverings and shall wear face coverings in common areas, waiting areas, and when within six (6) feet of others. Customers are not required to wear face coverings when seated at dining tables.
6. If there are any questions, or to report a potential exposure, please contact the City in which this place of business is located at the following contact information:

City of Dayton	(936) 258-2642
City of Liberty	(936) 336-3684
City of Cleveland	(281) 592-2667