

RESOLUTION NO. 20-033R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS, SUPPLEMENTING RESOLUTION 20-027R, EXTENDING AND AMENDING A STATE OF EMERGENCY AS A RESULT OF THE COVID-19 VIRUS; PROVIDING FOR INTERIM PUBLIC SAFETY MEASURES; PROVIDING FOR HEALTH AND SAFETY POLICY; PROVIDING FOR FACE COVERING FOR PATRONS AND EMPLOYEES; PROVIDING FOR FACE COVERINGS IN PUBLIC PLACES; PROVIDING FOR REPUBLISHING OF RESOLUTION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor of Red Oak on Friday, March 13, 2020 signed a Declaration Declaring a State of Emergency in response to the COVID-19 Virus and issued an Order with Restrictions for community gatherings and assemblies; and

WHEREAS, the circumstances surrounding the COVID-19 Virus have increased the need for social distancing and precautionary public safety response; and

WHEREAS, the COVID-19 Virus continues to necessitate an extensive and prompt public safety response; and, the regulations set forth in the Mayoral Declaration may need to be extended and/or modified in order to continue to protect the general public; and

WHEREAS, on April 27, 2020 Governor Greg Abbott publicly unveiled the Governor's Report to Open Texas to implement the phased re-opening of businesses across the state with limited capacities while practicing safe measures as recommended in the CDC Guidelines; and the Governor has on June 3, 2020 amended his prior orders and extended GA 10, 13, 17, 19, 20, 21, 22, 24, 26, 27, 28 and 29; and, the Proclamation of the Governor extending the state of emergency until August 19, 2020; and,

WHEREAS, in coordination with Governor Abbott's re-opened services plan, the Ellis County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Ellis County Emergency Management Plan and extended the Declaration of Local Disaster; and,

WHEREAS, the number of positive COVID-19 cases has significantly increased in the last three weeks during the re-opening of businesses; and

WHEREAS, health care and infections disease experts have determined that face coverings dramatically reduce the spread of COVID19; and

WHEREAS, this Resolution is necessary to protect the lives, health, welfare, and safety of the City's residents from the devastating impacts of this pandemic;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS THAT:

SECTION 1. That the City Council of the City of Red Oak hereby approves and adopts the Supplemental Order of Red Oak and extend such previous orders, except as amended herein, which is attached hereto as Exhibit A, as if set forth in full; and, extends the disaster and state of emergency until August 10, 2020.

SECTION 2. The Mayor is hereby authorized to amend this Resolution to conform to any additional amendments by the Texas Governor or Ellis County Judge to protect the health, welfare and safety of the citizens of Red Oak.

SECTION 3. Any prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 5. This Resolution shall become effective 11:59 p.m. on July 13, 2020 unless it is either rescinded, superseded, or amended pursuant to applicable law or superseded by Governor's orders.

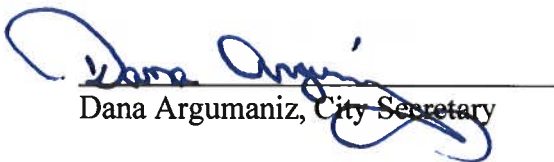
DULY PASSED and approved by the City Council of the City of Red Oak, Texas, on this the 13th day of July 2020.

CITY OF RED OAK, TEXAS



Mark L. Stanfill, DVM, Mayor

ATTESTED:



Dana Argumaniz, City Secretary



APPROVED AS TO FORM:

Robert E. Hager, City Attorney

FOURTH SUPPLEMENTAL ORDER OF RED OAK
DATE SUPPLEMENTAL ORDER ISSUED:
AUGUST 10, 2020

WHEREAS, the Mayor of Red Oak on Friday, March 13, 2020 signed a Declaration Declaring a State of Emergency in response to the COVID-19 Virus and issued an Order with Restrictions for community gatherings and assemblies; and

WHEREAS, the circumstances surrounding the COVID-19 Virus have increased the need for social distancing and precautionary public safety response; and.

WHEREAS, the COVID-19 Virus continues to necessitate an extensive and prompt public safety response; and, the regulations set forth in the Mayoral Declaration may need to be extended and/or modified in order to continue to protect the general public; and

WHEREAS, on April 27, 2020 Governor Greg Abbott publicly unveiled the Governor's Report to Open Texas to implement the phased re-opening of businesses across the state with limited capacities while practicing safe measures as recommended in the CDC Guidelines; and the Governor has on June 3, 2020 amended his prior orders and extended GA 10, 13, 17, 19, 20, 21, 22, 24, 26 and 27; and,

WHEREAS, in coordination with Governor Abbott's re-opened services plan, the Ellis County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Ellis County Emergency Management Plan and extended the Declaration of Local Disaster.

WHEREAS, the number of positive COVID-19 cases has significantly increased in the last three weeks during the re-opening of businesses; and

WHEREAS, health care and infectious disease experts have determined that face coverings dramatically reduce the spread of COVID19; and

WHEREAS, this Order is necessary to protect the lives, health, welfare, and safety; and,

WHEREAS, GA-27, 28 and 29 has authorized the Mayor to issue this Order.

THEREFORE, the prior Orders of City of Red Oak are hereby AMENDED as follows:

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, RED OAK MAYOR MARK L. STANFILL, ISSUED A SUPPLEMENT TO THE ORDER:

That effective as 12:01 p.m. on August 10, 2020, ("Effective Date") and continuing until 11:59 p.m. on September 14, 2020, unless extended, modified, or terminated early by the City Council, the following is ordered:

- A. From the Effective Date of this Order, and, as previously ordered, all business entities in

the City of Red Oak, Texas 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 business entity's premises or other facilities maintain six feet distancing to the greatest extent possible and shall also wear face coverings unless isolated in an individual office or room. 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. Business 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. Failure to develop and implement the Health and Safety Policy as previously ordered following the Effective Date of this Order may result in a civil penalty fine not to exceed \$500 for each violation.

B. Every person in the City of Red Oak 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, provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 3 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 while the person is in a swimming pool, lake, or similar body of water;
7. any person while the person is giving a speech for a broadcast or to an audience; or

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.

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 GA-29, 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 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.

Please note that face coverings are a secondary strategy to other mitigation 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:

- i. Washing hand before you leave home and when you return
- ii. Staying at least six feet away from others
- iii. Avoiding touching nose or face
- iv. Not using disposable masks more than three times, and
- v. Washing reusable cloth masks regularly to prevent the spread of the virus.

C. For any outdoor gathering in excess of 10 people, other than those set forth in paragraph numbers 1, 2, or 3 of the Governor’s Order GA-28 or GA-29, any gathering is prohibited unless the Mayor approves of the gathering.

Mayor Mark L. Stanfill, as appropriate, in consultation with the local public health authority, has imposed these restrictions; this Order supersedes the Order of June 26, 2020.

Effective as of 12:01 p.m. on August 10, 2020, and continuing until 11:59 p.m. on September 14, 2020, until repealed, revised or superseded by future orders of Mayor and Council.

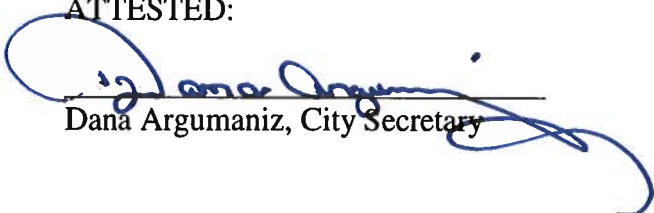
DECLARED and ORDERED this 10th day of August 2020.

CITY OF RED OAK, TEXAS



Mark L. Stanfill, Mayor

ATTESTED:



Dana Argumaniz, City Secretary

