

**ORDER OF MAYOR, JANE KITTNER, OF THE CITY OF WOODWAY,  
TEXAS  
DATE ORDER ISSUED: JUNE 20, 2020**

**WHEREAS**, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

**WHEREAS**, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

**WHEREAS**, on March 18, 2020, Mayor Bob Howard, of the City of Woodway declared a local state of disaster and public health emergency after determining that extraordinary and immediate measures had to be taken to respond quickly to prevent and slow down community spread of COVID-19; and

**WHEREAS**, on June 3, 2020, Governor Abbott issued GA-26 to allow additional openings in the state of Texas; and

**WHEREAS**, on June 19, 2020, there are 103,305 persons confirmed to have COVID-19 in Texas, with 262 of those residing in McLennan County; with five deaths in McLennan County; and

**WHEREAS**, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and

**NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY NEWLY ELECTED MAYOR, JANE KITTNER, OF THE CITY OF WOODWAY, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108:**

1. That pursuant to §418.108(b) of the Texas Government Code, this Order shall continue for a period of not more than seven days from June 20, 2020, unless continued or renewed by the City Council of the City of Woodway.
2. **Health and Safety Policy – Commercial Entities.**
  - a. From the date of this Order, every commercial entity in the City of Woodway providing goods or services directly to the public must develop and implement a health and safety policy (“**Health and Safety Policy**”).

- b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity's business premises or other facilities wear face covering when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.
- c. The health and Safety Policy required to be developed and implemented by the Order 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.
- d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of its Health and Safety Policy.
- e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order on or before 12:01 a.m. on June 25, 2020 may result in a fine not to exceed \$1,000.00. Each day on or after June 25, 2020 for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.
- f. It is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

Consistent with Executive Order GA-26 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

3. That all provisions of this Order should be interpreted to effectuate this intent. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.
4. In accordance with the limitations contained in the executive orders of the Texas Governor, that any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.
5. That this Order shall become effective at 12:01 p.m. on June 21, 2020.
6. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
7. That any violation of this Order can be enjoined by a suit filed in the name of the City of Woodway in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Woodway, Texas.
8. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any prior act, ordinance, order, declaration, or

resolution of the City Council of the City of Woodway; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Order.

9. That the City of Woodway must promptly provide copies of this Order by posting it on the City of Woodway website.
10. That 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 application of this Order.

**ORDERED** this the 20<sup>th</sup> day of June, 2020

  
Jane Kittner, Mayor

Attest:  
  
Donna Barkley, City Secretary

