

ORDER REGARDING ACCESS TO AND OCCUPANCY OF
CERTAIN FACILITIES AND PREMISES

UNDER DECLARATION OF LOCAL STATE OF DISASTER
CITY OF CEDAR PARK, TEXAS

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, shortness of breath, and outcomes have ranged from mild to severe illness and, in some cases, death; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) Director General declared the outbreak of COVID-19 a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on Thursday, March 5, 2020, the WHO Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on Friday, March 6, 2020, the Travis County Judge issued a Declaration of Disaster due to Public Health Emergency and issued an Order prohibiting public and private community gatherings of two thousand five hundred (2,500) or more persons; and

WHEREAS, on Friday, March 6, 2020, the adjacent City of Austin’s Mayor issued a Declaration of Disaster due to Public Health Emergency and issued an Order canceling the annual South by Southwest (SXSW) Conference & Festival; and

WHEREAS, on Tuesday, March 10, 2020, the Travis County Commissioners Court extended the Declaration of Disaster due to Public Health Emergency indefinitely; and

WHEREAS, on Wednesday, March 11, 2020, the WHO declared COVID-19 a worldwide pandemic; and

WHEREAS, on Thursday, March 12, 2020, the Governor of the State of Texas declared a state of disaster in Texas due to COVID-19; and

WHEREAS, on Friday, March 13, 2020, the President of the United States issued a Proclamation declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on Saturday, March 14, 2020, the Williamson County Judge issued an Order Declaring a Local State of Disaster for Williamson County, Texas; and

WHEREAS, on Saturday, March 14, 2020, the Travis County Judge issued an Order prohibiting public and private community gatherings of two hundred fifty (250) or more persons; and

WHEREAS, on Sunday, March 15, 2020, the Center for Disease Control and Prevention (“CDC”) recommended canceling all events of 50 or more people; and

WHEREAS, on Monday, March 16, 2020, the Williamson County Judge issued an Order banning large events and mass gatherings of fifty (50) or more persons, with significant exceptions; and

WHEREAS, on Monday, March 16, 2020, the Governor of the State of Texas said at a San Antonio press conference, “You're going to see an exponential increase in the number of people who test positive on a daily basis. People just need to prepare, and not be shocked, for the mathematical reality.”; and

WHEREAS, on March 17, 2020, the Mayor of Cedar Park declared a Local State of Disaster for the City of Cedar Park, Texas, and on March 22, 2020, this declaration was extended with consent of the City of Cedar Park City Council; and

WHEREAS, on March 19, 2020 the Governor of the State of Texas issued an executive order limiting public gatherings to ten persons; and

WHEREAS, on March 21, 2020, the Travis County Judge issued a second Order restricting gatherings for Travis County, Texas; and

WHEREAS, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States, including at least 33,404 confirmed cases and 400 deaths in the US and more than 507 confirmed cases and 7 deaths in Texas, based on best available information; and

WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, gatherings of unidentifiable individuals without necessary mitigation for the spread of infection poses a risk of the spread of infectious disease; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, Article 5.07 Emergency and Disaster Management of the City of Cedar Park Code of Ordinances provides that the Mayor shall hold the office of emergency management director of the City; and

WHEREAS, the Mayor, as emergency management director, may declare a local state of disaster and issue all necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of the City’s emergency management plan; and

WHEREAS, a declaration of Local State of Disaster includes the ability to take measures to reduce the possibility of exposure to disease, mitigate the risk, and promote the health and safety of the residents of the City of Cedar Park; and

WHEREAS, under Texas Government Code §418.108(g), a mayor may control ingress to and egress from a disaster area in the city and control the movement of persons and occupancy of premises in that area; and

WHEREAS, the City of Cedar Park will work collaboratively with Williamson and Travis Counties to ensure that all appropriate and necessary measures are taken to prevent and limit the development, contraction, and spread of COVID-19; and

WHEREAS, on March 17, 2020, the Mayor of the Cedar Park declared a local state of disaster due to concerns related to COVID-19; and

WHEREAS, on March 22, 2020 the Cedar Park city council unanimously consented to continue the Mayor's declaration a local state of disaster due to concerns related to COVID-19; and

WHEREAS, on March 23, 2020, the Mayor of the Cedar Park issued an order closing all public, semi-public, and homeowner association-owned and/or operated playground equipment, playscapes, pools, splash pads, pavilions, exercise equipment, and drinking water fountains within the City of Cedar Park, Texas; and

WHEREAS, on April 30, 2020, the Williamson County Judge's stay-at-home order expired.

WHEREAS, on May 5, 2020, the Governor of the State of Texas issued Executive Order GA-21 defining some services, facilities, and operations as "re-opened" thereby allowing those services, facilities, and operations to operate at up to 25% of the total listed occupancy of the facility provided distancing measures are followed; and

WHEREAS, on May 7, 2020 the Mayor of Cedar Park issued an order superseding his March 23, 2020 order—and opening all pavilions and non-city owned and/or operated pools and splash pads at 25% of occupancy; and keeping closed playground equipment, playscapes exercise equipment, outdoor drinking water fountains, and city-owned pools and splash pads within the City of Cedar Park, Texas; and

WHEREAS, on May 18, 2020, the Governor of the State of Texas issued Executive Order GA-23 defining additional services, facilities, and operations as "re-opened" thereby allowing those services, facilities, and operations to operate at various designated levels of occupancy provided distancing measures are followed; and

WHEREAS, on May 22, 2020, the Mayor of Cedar Park issued an order superseding his May 7, 2020 order—and opening all public, semi-public, and homeowner association-owned and/or operated pools, splash pads, and pavilions at 50% of occupancy and keeping closed playground equipment, playscapes exercise equipment, and outdoor drinking water fountains within the City of Cedar Park, Texas; and

WHEREAS, on June 3, 2020, the Governor of the State of Texas issued Executive Order GA-26, further expanding the opening of Texas in response to COVID-19; and

WHEREAS, on June 18, 2020, the Travis Co County Judge issued an order directing businesses to require that all employees and visitors wear face coverings while on business premises; and

WHEREAS, on June 23, 2020, the Governor of the State of Texas issued an updated Executive Order GA-26 to expand the ability of mayors and county judges to impose restrictions on certain outdoor gatherings of over 100 persons; and

WHEREAS, on June 25, 2020, the Governor of the State of Texas issued Executive Order GA-27, suspending elective surgeries and medical procedures at hospitals in Bexar, Dallas, Harris, and Travis counties due to rapidly-spiking COVID-19 counts; and

WHEREAS, on June 26, 2020, the Governor of the State of Texas issued Executive Order GA-28, closing all bars in Texas on three-hours notice; closing all tubing and rafting; and reducing restaurant capacity to 50%; and

WHEREAS, on June 27, 2020, ICU bed usage capacity in Williamson County was 88% with only four available ICU beds in Cedar Park; and

WHEREAS, the State of Texas, Williamson and Travis Counties, and the City of Cedar Park continue to set records with rapidly-increasing COVID-19 positive test results, active cases, and hospital usage; and

WHEREAS, a second statewide or countywide stay-at-home order would devastate our economy and bankrupt our small businesses; and

WHEREAS, issuing a citywide directive (a) levels the playing field for businesses with their competitors concerning discretionary face coverings policies; (b) reduces the risk of a business having to shut down due to employees contracting COVID-19 from customers and vice versa; and (c) reduces businesses' liability exposure to COVID-19 lawsuits;

NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF CEDAR PARK, TEXAS:

Pools, pavilions, splash pads, playgrounds, outdoor exercise equipment, and outdoor drinking fountains

1. That all public, semi-public, and homeowner association-owned and/or operated pavilions, pools, and splash pads within the City of Cedar Park, Texas may be open at up to 50% occupancy with protocols and distancing measures per Governor Greg Abbott's Executive Order GA-26, Section 2; the Governor's Strike Force to Open Texas protocols for "Parks / Beaches / Bodies of Water" (June 3, 2020 revisions) at gov.texas.gov/organization/opentexas; and per DSHS guidelines.
2. That all public, semi-public, and homeowner association-owned and/or operated playground equipment, playscapes, and outdoor exercise equipment within the City of Cedar Park, Texas may be opened at the owner's discretion per DSHS guidelines.
3. That all non-animal, outdoor drinking water fountains within the City of Cedar Park, Texas remain closed and will be reviewed weekly for consideration for re-opening.

In-person public meetings of the City of Cedar Park Council, Boards, and Commissions

4. For all in-person public meetings of the City of Cedar Park City Council, Boards, and Commissions:
 - (a) Before entering the public meeting room, all persons must be screened for COVID-19 via non-invasive temperature check and CDC-recommended symptom/contact-related questions administered by a city employee. No person may enter the room who:
 - i. Has a fever 99.6°F or higher;
 - ii. Has had contact within the last 14 days with someone with a positive COVID-19 test result or with COVID-19 symptoms;
 - iii. Has shortness of breath or difficulty breathing;
 - iv. Does not have seasonal allergies and has a cough or sore throat; or
 - v. Does have seasonal allergies and has a cough or sore throat that developed suddenly.
 - (b) Any person chairing such a meeting is authorized to manage occupancy of the meeting room and ensure appropriate distancing in accordance with CDC Guidelines and local and state executive orders.

Face coverings for businesses and non-profits

5. All commercial entities and non-profits (other than churches and places of worship) within the city limits that provide goods or services directly to the public must require every person over the age of ten (both employees and visitors) inside their facilities or buildings to wear a face covering over their mouth and nose when that person is within six feet of another person.
 - (a) A face covering is not required in the following circumstances:
 - (i) When eating, drinking, or smoking;
 - (ii) When outdoors;
 - (iii) When a person is engaged in exercise or physical activity at a gym, exercise facility, or health care facility;
 - (iv) When wearing a face covering poses a greater health, safety, or security risk than not wearing one;
 - (v) When a person is within six feet of another person but is separated from that person by plexiglass or other mitigation strategy that provides adequate separation;
 - (vi) When inside a building or facility that requires security surveillance or screening, like a bank or financial institution; or
 - (vii) When under the age of 13 and attending a daycare, childcare, youth camp, or sports camp.
 - (b) POSTING NOTICE: Every commercial entity and non-profit (other than a church or place of worship) must post a visible, readable sign of at least 8.5 x 11 inches in

English and Spanish on all entryways into their facilities and buildings notifying that face coverings over nose and mouth are required for entry.

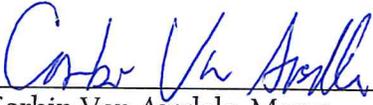
- (c) These face covering provisions will be reviewed constantly for enhancements, improvements, reconsideration, and termination in light of local ICU bed capacity, health district COVID-19 data, effectiveness, and compliance.

Administrative provisions

6. This order shall take effect at 12:01a July 1st, 2020 and shall continue until termination of either of the following: (a) this Order or (b) the Declaration of Local State of Disaster for the City of Cedar Park, Texas.
7. This order supersedes the Order of June 23rd, 2020.

ORDERED this 29 day of June, 2020 at 4:43 am/pm.

CITY OF CEDAR PARK, TEXAS


Corbin Van Arsdale, Mayor

ATTEST:


Katherine Caffrey, Assistant City Manager