

**FIRST AMENDMENT TO THE FOURTH LOCAL EMERGENCY DIRECTIVE
BY THE MAYOR OF THE CITY OF EL PASO, TEXAS**

ISSUED JUNE 18, 2020

WHEREAS, on June 8, 2020, the El Paso City Council, pursuant to El Paso City Charter Section 3.10 adopted an Emergency Ordinance extending the City of El Paso's (the "City") Disaster Declaration; and

WHEREAS, on June 12, 2020, El Paso Mayor Dee Margo issued the Fourth Local Emergency Directive for the City of El Paso pursuant to Texas Government Code Chapter 418.1015(a) and Chapter 2.48.010 of the El Paso City Code; and

WHEREAS, the City of El Paso has consistently sought to align its Directives with Texas Governor Abbott's Executive Orders and guidance; and

WHEREAS, on June 16, 2020, as Texas experienced a record breaking total of 2,518 COVID-19 hospitalizations, Mayor Margo along with mayors of eight of Texas' biggest cities issued a letter to Governor Abbott urging that they be granted authority to set rules and regulations mandating face masks during the pandemic; and

WHEREAS, on June 17, 2020, Governor Abbott clarified that his plan to reopen the Texas economy includes maintaining the authority of local governments to require businesses to adopt and enforce health policies that include face covering requirements:

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF EL PASO, TEXAS PURSUANT TO THE AUTHORITY VESTED BY THE TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND DIRECT:

1. That Section 1 (Stay at Home or Place of Residence and Minimize In-Person Contact), paragraph b (Face Covering Recommendations) be amended to read as follows:
 - b. **Face Covering Recommendations.** Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus. When leaving one's residence, all persons over the age of two (2) are strongly urged to wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief, except when:
 - i. alone in a separate single space, whether indoor or outdoor,
 - ii. in the presence only of other members of one's household or residence whether inside or outside the residence,
 - iii. when doing so poses a greater mental or physical health, safety, or security risk,
 - iv. when required to temporarily remove a face covering for identification purposes, or security reasons when requested by an official;
 - v. when engaged in outdoor activity such as by way of example, biking, walking, or running provided the individuals comply with Social Distancing Requirements.

Parents and guardians of children over the age of two (2) and under ten (10) should appropriately mask their children when outside their residence.

All non-residents in nursing homes, state-supported living centers, assisted living facilities, and long-term care facilities shall wear a fabric face covering as provided for by this Directive.

Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand-washing, as these remain important steps to slowing the spread of the virus.

It is strongly recommended that you not obtain or wear medical grade masks or N-95 respirators as they are a needed resource for healthcare providers and first responders.

2. That Section 1 (Stay at Home or Place of Residence and Minimize In-Person Contact), add paragraph c (Health and Safety Policy-Businesses) to read as follows:

c. **Health and Safety Policy-Businesses.** All businesses in the City of El Paso must develop and implement a health and safety policy (“**Health and Safety Policy**”). The Health and Safety Policy must require, at a minimum, the following:

- i. All businesses (this shall include all offices and departments for the City of El Paso) must require employees, including volunteers, to have a face covering when either in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where six (6) feet of separation from other individuals is not feasible;
- ii. All businesses must require that all visitors, to include contractors and vendors, wear face coverings while on the business’s premises;
- iii. All business’s must post the Health and Safety Policy required by this Directive in a conspicuous location sufficient to provide notice to employees, volunteers and visitors; and
- iv. The Health and Safety Policy required to be developed and implemented by this Directive may also include other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks and health screenings.

For the purposes of this Directive, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

Gyms and exercise establishments must require all individuals inside of the business establishment to wear a face covering at all times except for when an individual is actively engaging in exercise.

Failure to develop and implement the Health and Safety Policy required by this Directive by the Effective Date may result in a fine not to exceed \$500 for each violation.

3. Except as amended herein, the June 12, 2020, Fourth Local Emergency Directive shall otherwise remain in full force and effect unless superseded by a conflicting provision herein or by state or federal law or order.

4. This First Amendment shall take effect at 12:01 a.m. June 22, 2020.

DIRECTED this the 18th day of June, 2020.

CITY OF EL PASO, TEXAS



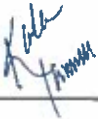
Dee Margo
Mayor of the City of El Paso

ATTEST:



Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney