

**FORT BEND COUNTY**  
**ORDER REQUIRING USE OF FACE COVERINGS IN COUNTY**  
**FACILITIES**

WHEREAS, on March 12, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow Fort Bend County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Fort Bend County residents;

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Greg Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans;

WHEREAS, after expiration on June 10, 2020 of the Declaration of Local Disaster for Public Health Emergency issued on March 12, 2020 and extended by Fort Bend County Commissioners Court (the “Court”), the County Judge subsequently issued an additional Declaration of Local Disaster for Public Health Emergency on June 23, 2020, also extended by the Court on June 30, 2020, to implement recommendations to slow the continued rapid spread of COVID-19;

WHEREAS, the Declaration of a State Disaster declared on March 13, 2020 has remained in place continuously since such date;

WHEREAS, on January 21, 2021 President Joseph R. Biden issued Executive Order 13998 effective February 1, 2021, which requires face coverings to be worn by all travelers while on public transportation (which includes all passengers and all personnel operating conveyances);

WHEREAS, Section 414.11 entitled Preventive Measures of the Fort Bend County Employee Information Manual provides:

“In the event of a Communicable Disease Emergency, the County Judge or his/her designee may implement policies, procedures and mandates as deemed necessary by the local health authority, to prevent the spread of disease, protect the health and safety of employees and the public, and ensure the essential services of the County can continue. Necessary policies may include, but are not limited to, the following:

- Screening employees for signs of illness
- Providing immunization and treatment
- Implementing quarantine measures
- Mandating social distancing measures such as avoiding meetings and face-to-face contact, telecommuting where practical, staggering shifts, suspending services and/or closing offices.”;

WHEREAS, on July 29, 2021, Governor Greg Abbott, issued Executive Order GA-38 which suspended Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E and Chapters 121 and 122 of the Texas Health and Safety Code, Chapter 54 of the Texas Local Government Code, and any other statute invoked by any local governmental entity or official in support of a face-covering requirement;

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS);

WHEREAS, there continues to exist a Communicable Disease Emergency and continued procedures and mandates have been deemed necessary by the local health authority;

WHEREAS, it is in the best interest of the residents of Fort Bend County to take all lawful means to halt the spread of coronavirus disease 2019 (COVID-19) by relying on the best available data and science-based public health measures. Such measures include wearing face coverings when around others, physical distancing, and other related precautions recommended by the Centers for Disease Control and Prevention (CDC) and the local health authority;

WHEREAS, on August 11, 2021, the Commissioners Court of Fort Bend County authorized the Fort Bend County Attorney to file, on behalf of Fort Bend County, any and all legal actions necessary for the preservation of life, or other disaster mitigation, response, or recovery due to the public health risks related to the recent extraordinary rise in COVID-19 cases in Fort Bend County, including the pursuit of a judicial declaration that the suspension of all laws allowing governmental entities such as counties, cities, school districts, public health authorities, and governmental officials to impose masking requirements in Executive Order GA-38 exceeds the Governor's authority to suspend laws under the Texas Disaster Act of 1973, or in the alternative, that the suspension of laws in Executive Order GA-38 violates the Suspension Clause and the Separation of Powers Clause of the Texas Constitution;

WHEREAS, on August 11, 2021, Judge O'Neil Williams of the 268th District Court, signed a Temporary Restraining Order that the Clerk of said Court issue a Temporary Restraining Order, operative until August 25<sup>th</sup> and pending a hearing to determine whether the Temporary Restraining Order should be made a temporary injunction pending a full trial on the merits; and

WHEREAS, by the issuance of the Temporary Restraining Order, the enforcement of Executive Order GA-38 is currently restrained allowing governmental entities such as counties, cities, school districts, public health authorities, and governmental officials to impose necessary measures to protect the public and preserve life.

**NOW THEREFORE, I, COUNTY JUDGE OF FORT BEND COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:**

## **SECTION 1.**

### **FINDINGS AND RECITATIONS**

That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

## **SECTION 2.**

### **A. FACE COVERINGS IN COUNTY BUILDINGS OR FACILITIES**

To protect County employees and individuals interacting with the county employees and to ensure the continuity of Fort Bend County government services and activities, on-duty or on-site County employees, on-site County contractors and all visitors in County buildings and/or facilities shall be required to wear face coverings, maintain physical distance, and adhere to other public health measures, as provided in CDC guidelines, directives by the local health authority and the attached Health and Safety Policy for Fort Bend County Buildings and Facilities.

“County Buildings and/or Facilities” means buildings, or office space within buildings, owned, rented, or leased by Fort Bend County of which a substantial portion of occupants are County employees or County contractors and/or other facilities where the primary purpose of the activity/business being conducted whether temporary or permanent is the furtherance of County business or the furtherance of service(s) to the public. COVID-19 testing facilities and vaccination sites are expressly included in the definition of “County Buildings and/or Facilities.” This order shall also be applicable to vehicles carrying anyone other than the operator while conducting County business.

### **B. SCREENINGS**

Individual entering into County Buildings or Facilities may be required to be screened for symptoms of COVID-19 including but not limited to a temperature check. Individuals exhibiting symptoms of COVID-19 including but not limited to a cough, shortness of breath, or difficulty breathing; or who whose temperature equals or exceeds 100.0°F will be refused admittance to the building or facility.

All individuals entering County buildings and/or facilities will be encouraged to bring face coverings with them, but if they do not have a face covering, a disposable face mask will be provided.

Nothing in this Order shall require the use of a face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child under the age of 2 years, or an older child if the parent, guardian or person responsible for the child is unable to place the mask safely on the child’s face.

If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition.

### **SECTION 3.**

#### **REASONABLE ACCOMODATION**

Fort Bend County will, upon request, provide a reasonable accommodation to employees who are unable to wear a face covering due to a physical or mental disability or other condition. Examples of these types of conditions include individuals with asthma, chronic pulmonary disease, post-traumatic stress disorder, autism and cerebral palsy.

Fort Bend County Employees and Department Heads are hereby directed to provide upon request a reasonable accommodation to those persons seeking essential county services but who are unable to wear a face covering due to a physical or mental disability or other condition. Examples of these types of conditions include but are not limited to individuals with asthma, chronic pulmonary disease, post-traumatic stress disorder, autism and cerebral palsy.

### **SECTION 4.**

#### **RESIDENTS STRONGLY ENCOURAGED TO WEAR FACE COVERINGS**

Nothing in this Executive Order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering; and the use of face coverings. Residents of Fort Bend County are strongly encouraged to wear face coverings whenever it is not feasible to maintain six feet of social distancing from another person not in the same household.

### **SECTION 5.**

#### **FEDERAL PRECLUSION**

Under the authority granted through Executive Order 13998 “Promoting COVID-19 Safety in Domestic and International Travel” issued by President Joseph R. Biden on January 21, 2021, requiring face coverings to be worn by all travelers while on public transportation (which includes all passengers and all personnel operating conveyances), all riders of public transportation and visitors to the Fort Bend Transit Facility are hereby required to wear a face covering. Visitors and passengers will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided. Nothing in the Order shall require the use of a mask or cloth face covering by anyone who does so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, anyone under the age of 10 years, or an older child if the parent, guardian or person responsible for the child is unable to place and maintain the mask safely on the child’s face.

Individuals should follow recommendations given by the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, and any emergency temporary standards on COVID-19.

**SECTION 6.**

**COURT PROCEEDINGS**

Court Proceedings will be governed by the Orders of the Texas Supreme Court the latest of which is the THIRTY-EIGHTH EMERGENCY ORDER REGARDING THE COVID -19 STATE OF DISASTER dated May 26, 2021 as well as guidance from the Office of Court Administration in addition to applicable Orders from the Texas Court of Criminal Appeals.

**SECTION 7.**

**NOTICE AND DETERMINATION OF INVALIDITY**

Fort Bend County will post this Order on its website. 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 remainder of this Order.

**SECTION 8.**

**SCOPE AND EFFECTIVE DATE**

This Order applies to all unincorporated and incorporated areas within the boundaries of Fort Bend County and shall be effective as of 12:01 a.m. August 13, 2021 until 11:59 p.m. on September 30, 2021, unless a declaration of the local disaster for public health emergency is no longer in effect.

**SECTION 9.**

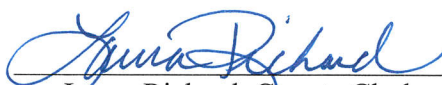
**IN CONFORMITY WITH THE LEGAL ORDERS OF THE TEXAS GOVERNOR**

To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to all duly authorized executive orders issued by the Texas Governor. All legal provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

ORDERED this the 12<sup>th</sup> day of August 2021.

  
\_\_\_\_\_  
KP George, County Judge

ATTEST:

  
\_\_\_\_\_  
Laura Richard, County Clerk

**Health and Safety Policy for Fort Bend County Buildings and Facilities**

The virus that causes COVID-19 can be spread to others, by infected persons who have few or no symptoms. Because of the hidden nature of this threat, it is the policy of Fort Bend County to require the following:

**1. FACE COVERING REQUIRED IN ORDER TO ENTER AND REMAIN ON COUNTY PREMISES.** All persons over the age of ten (10) including employees, customers, visitors, invitees and contractors, who enter to work or conduct business in a County building must wear a face covering over their nose and mouth pursuant to the following guidelines:

- Individuals, including employees, must wear a face covering in all public areas. This includes entering and exiting the building, and while in an elevator.
- Face coverings must be worn by all persons who have a conversation within six (6) feet of each other.
- Face coverings must be worn when going from point A to point B. In other words, if you leave your primary work area, you must wear a face covering.
- Face coverings may be removed by employees once the employee reaches their primary work area so long as the employee is not within six (6) feet of another individual.
- The requirement of a face covering does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual. Employees who are unable to wear a face covering due to a medical condition, are directed to privately discuss these concerns with your supervisor or Human Resources.

**2. SOCIAL DISTANCING PROTOCOLS.** Even with the use of appropriate face coverings, individuals should maintain six feet of social distancing whenever possible

**3. NOTICE AND SIGNAGE.** Notice of this Health and Safety Policy will be posted in a conspicuous location in County buildings.

RETURNED AT COUNTER TO:

_____	_____
_____	_____
_____	_____
Linda Willis	
Div Supervisor - Admin	
Fort Bend County Clerk's Office	

**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Laura Richard*

Laura Richard, County Clerk

Fort Bend County Texas

August 12, 2021 02:55:21 PM

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