

RESOLUTION NO. 1905-21-08-18-0912

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS,
REQUIRING THE WEARING OF MASKS IN CITY
FACILITIES**

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as pandemic; and

WHEREAS, on March 13, 2020, Governor Greg Abbott proclaimed a state-wide state of disaster due to the COVID-19 pandemic and has since issued numerous Executive Orders related to the pandemic; and

WHEREAS, on March 19, 2020 Mayor Gonzales declared a public health emergency related to COVID-19; and

WHEREAS, COVID-19 continues to endanger the health of Pflugerville residents; and

WHEREAS, reports from Austin Public Health show that the 78660 has the highest rate of new incidents of COVID-19; and

WHEREAS, the local Health Authority has advised on the need for continued vigilance by individuals and businesses in complying with health measures; and

WHEREAS, infected persons can transmit the COVID-19 virus to others before showing any symptoms, and widespread and consistent use of face coverings over the nose and mouth when in public is a critical and necessary measure to help slow the spread of the virus to allow local businesses and schools to remain open; and

WHEREAS, the Delta variant, which is the dominant strain in the United States, is highly contagious, nearly twice as contagious as previous variants;

WHEREAS, a substantial number of individuals in Pflugerville have already received the most effective known protection against the most serious effects of COVID-19 with a vaccine, but many individuals, although eligible, have not received the vaccine; and

WHEREAS, reliable medical information indicates that even individuals who have received a COVID-19 vaccine are capable of contracting and spreading the current Delta variant of the virus; and

WHEREAS, cases and hospitalizations continue to increase in the Austin and Pflugerville area as new variants, such as the Delta variant, spread throughout the community; and

WHEREAS, Travis County, Austin Public Health and the Local Health Authority recommend that individuals take additional precautions such as set forth in the COVID-19 Risk-Based Charts for vaccinated and unvaccinated/partially vaccinated individuals; and

WHEREAS, the Local Health Authority continues to encourage people to stay home except when necessary, and to wear face coverings to provide for the safety of the public when individuals are outside their household; and

WHEREAS, the City possesses all powers of local self-government enumerated or implied by the City Charter and the Constitution of the State of Texas including the authority to determine the manner and means necessary to safely fulfill the duties and responsibilities to its citizens in delivering the services the City provides at CITY FACILITIES; and,

WHEREAS, this Resolution is necessary to protect the public health and welfare of the community and those individuals who attend, visit or work in city facilities and to help control further transmission of COVID-19.

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

SECTION 1. Face Coverings. An individual over the age of six is **REQUIRED** to wear a face covering within indoor **CITY FACILITIES** unless expressly exempted in Section 2 or by a City policy applicable to the premises or facility. Staff shall wear a mask when interacting with others not in the same household under conditions where social distancing is not possible or physical barriers are not in place.

SECTION 2. Exceptions. A face covering is not required for:

- (a) any individual with a medical condition or disability that prevents wearing a face covering;
- (b) any individual while the individual is eating or drinking, or is seated within indoor City facilities to eat or drink;
- (c) any individual obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or the need for specific access to the face, but only to the extent necessary for the temporary removal;
- (d) any individual who is voting, assisting a voter, serving as a poll watcher, or actively

- administering an election, but wearing a face covering is strongly encouraged;
- (e) any individual while the individual is giving a speech for a broadcast or to an audience; or
 - (f) any individual while temporary removal of the face covering is necessary for communication by or with an individual who is hearing impaired; or
 - (g) any individual while the individual is exercising or engaging in physical activity and maintaining a safe distance from others not in the same household; or
 - (h) any individual who is alone, or in the presence of only members of the same household or residence, in a separate room, office or single space that is not an indoor common area.

SECTION 3. Enforcement.

- (a) If an individual fails to comply with this rule, an employee responsible for the city property shall make a verbal request that the individual wear a face covering and offer a face covering, if available, or an alternative method to obtain the services provided at the city property.
- (b) If after the employee complies with subsection (a), an individual refuses to wear a face covering or comply with the alternative method to obtain services, the employee shall ask the individual to leave city property for the remainder of the day.
- (c) If an individual refuses a request to leave city property, the employee should seek the assistance of security or law enforcement.
- (d) A person who violates this Resolution will not be provided services until they comply with the provisions herein and may be provided a criminal trespass warning applicable to all City facilities that are subject to this Resolution.

SECTION 4. Definitions.

In this Order,

- (a) CITY FACILITIES means properties or part of a properties that the City owns, manages, or otherwise controls.
- (b) COVID-19 means the pandemic that is the subject of the Local Disaster Declaration, dated March 19, 2020.
- (c) EMPLOYEE means a City employee, contractor, or volunteer engaged in City duties. This term includes security personnel.
- (d) FACE COVERING means a covering that fits snugly over an individual's nose and mouth, such as a commercially made or homemade fabric mask, scarf, bandana, handkerchief, or shield. Although the CDC does not recommend that face shields be used for normal everyday activities or as a substitute for cloth face coverings, individuals who cannot wear a cloth face covering may consider wearing a face shield.

PASSED, APPROVED, AND ADOPTED the City Council of City of Pflugerville, Texas at a meeting on the 18th day of August, 2021, at which a quorum was present, and for which due notice was given pursuant to Chapter 551, Texas Government Code.



Victor Gonzales, Mayor

ATTEST:



Trista Evans, City Secretary