



**EXECUTIVE ORDER SK-03 RELATED TO COVID-19  
MANDATORY FACE COVERINGS  
DATE ISSUED: July 1, 2020**

**WHEREAS**, pursuant to Texas Government Code Section 418.108, Comal County Judge Sherman Krause declared a state of local disaster on March 18, 2020 due to a public health emergency and imminent threat arising from COVID-19 and that declaration was continued indefinitely by the Comal County Commissioners Court on March 24, 2020; and

**WHEREAS**, in accordance with Texas Government Code Section 418.108(h), the consent by Commissioners Court authorizes the Comal County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Commissioners Court order; and

**WHEREAS**, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Texas Governor Greg Abbott; and

**WHEREAS**, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Comal County community and rates of infection and hospitalizations are increasing at significant rate despite efforts by local authorities to control the spread; and

**WHEREAS**, the County Judge has determined that extraordinary emergency measures must be taken to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat; and

**WHEREAS**, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

**WHEREAS**, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott (as extended or modified); and

**WHEREAS**, by the authority vested in me as Comal County Judge and as the Emergency Management Director for the County of Comal to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby issue this Executive Order.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNTY JUDGE OF COMAL COUNTY, TEXAS, PURSUANT TO THAT AUTHORITY GRANTED IN ACCORDANCE WITH THE DECLARATION OF A LOCAL STATE OF DISASTER DATED MARCH 18, 2020, AND CHAPTER 418.108 OF THE GOVERNMENT CODE THAT:**

Section 1. **Findings.** 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 part of this Order for all purposes.

Section 2. **Declaration and Duration of Emergency Order.** The regulations in this emergency order shall take effect immediately upon execution and shall remain in full force and effect until July 15, 2020, unless extended, modified, or terminated, or if superseded by the Governor. The decisions to continue or revoke this order will take into consideration recommendations from the local public health officials, rates of infection and hospitalizations, and other factors related to improved local conditions.

Section 3. **Health and Safety Policy-Commercial Entities and Employees only.** From the date of this emergency order, all commercial entities operating in Comal County, Texas, that provide goods or services directly to the public must develop and implement a health and safety policy ("Health and Safety Policy"). The Health and Safety Policy must require, at a minimum, that all employees and visitors to the commercial entity's business premises or other facilities (indoors or outdoors), wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where (6) feet of separation is not feasible. The requirement of a face covering does not apply if covering the nose and mouth poses a greater mental or physical health, safety, or security risk, such as anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the cover without assistance. The Health and Safety Policy required to be developed and implemented by this emergency order may also include the implementation of additional mitigating measures designed to control and reduce the transmission of COVID-19, such as temperature checks or health screenings. Commercial entities must post the Health and Safety Policy required by this emergency order in a conspicuous location sufficient to provide notice to employees and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this emergency order by close of business July 2, 2020 may result in a fine not to exceed \$1,000 for each day the violation occurs.

A sample Health and Safety Policy and signage containing the minimum requirements of this order is attached as Exhibit A and may be used by a commercial entity as its own Health and Safety Policy, and it can include recommended requirements in the Governor's minimum health standard protocols applicable to each business type, and additional requirements as determined by each individual business.

**Section 4. General Public Health Recommendations.** Consistent with federal and state guidelines the general public should wear face coverings when in a public place where it is difficult to keep six feet away from other people or working in areas that involve close proximity with other people or co-workers. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All people should follow CDC recommendations for how to properly wear and take off a face covering. Residents should keep up the following personal hygiene habits while in public places:

- Washing hands before you leave home and when you return,
- Staying at least six feet away from others,
- Avoiding touching your nose or face,
- Not using disposable masks more than three times, and
- Washing reusable cloth masks regularly to prevent the spread of COVID-19.

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.

**Section 5. County Facilities.** Comal County employees will wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where (6) feet of separation is not feasible and unable to provide physical barrier protection.

**Section 6. Essential County Business.** County residents are encouraged to conduct essential county business online, by phone, via regular mail, or alternative means in order to avoid visiting any county facilities, unless it is absolutely necessary. If visiting a county facility, all social distancing measures must be implemented at the controlled entry points and must be observed while in any county facility.

**Section 7. Enforcement and Penalties.** Excepting Section 4 of this order and in accordance with the limitations contained in the Governor's Executive Orders, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this emergency order in accordance with the authority granted under the Texas Disaster Act of 1975. Any violation of this Executive Order may be subject to a fine not to exceed \$1,000.

**Section 8. Municipal Orders.** To the extent of a conflict between this face covering order and any decisions of a Mayor of a municipality in Comal County, Texas, the municipal orders shall prevail.

**Section 9. Public Notice.** This Order shall be posted on the County's website and social media site.

**Section 10. Severability.** If any subsection, sentence, clause, phrase, or word contained in this emergency order is held invalid or unconstitutional by a decision of a court of competent

jurisdiction, then such decision will not affect the validity of the remaining provisions of this emergency order.

**Section 11. Interpretation and Additional Terms.** To the greatest extent possible, this emergency order shall not be interpreted in a manner that conflicts with the Governor's Executive Order GA-26 or any subsequent orders of the Governor. In the event of a conflict, the Governor's Executive Orders shall supersede. All provisions of the executive orders of the Governor either existing or issued in the future, which are made applicable to all jurisdictions by law, shall be automatically incorporated into this order and shall constitute terms of this order, enforceable as if set forth herein without necessity for the issuance of further orders.

IT IS HEREBY ORDERED this 1<sup>st</sup> day of July, 2020 at 11:00 A.M..



COMAL COUNTY, TEXAS

*[Handwritten signature of Sherman Krause]*

Sherman Krause, County Judge

ATTEST:

*[Handwritten signature of Kait Brown Moore]*  
Kait Brown Moore  
Deputy to the County Clerk

## Exhibit A- Sample Policy and Signage

### HEALTH AND SAFETY POLICY

**POLICY.** 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 this business to require tire following:

**1. FACE COVERING REQUIRED IN ORDER TO ENTER PREMISES.** All persons over the age of ten (10), including employees, customers, visitors, invitees, and contractors ("Patrons"), who enter this business must wear a face covering over their nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief.

The requirement of a face covering does not apply if covering the nose and mouth poses a greater mental or physical health, safety, or security risk, such as anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the cover without assistance.

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

a. Employees should not work within six (6) feet of one another, except to the extent necessary to provide services.

b. Patrons should maintain six (6) feet of separation from other individuals outside their household, to the extent feasible when inside the business premises.

c. Patrons of the business queuing or waiting inside or on the premises of the business must maintain six (6) feet of separation from other individuals outside their household.

**3. VIOLATIONS.** Patrons who do not wear a face covering may be asked to leave the premises and may not be provided goods or services until the face covering requirements are followed.

**4. NOTICE AND SIGNAGE.** Notice of this Health and Safety Policy will be posted in a conspicuous location of the business. Sample signage is attached.

Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
07/01/2020 11:02:53 AM  
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*Bobbie Koepf*

# FACE COVERINGS ARE REQUIRED



**Maintain a distance of 6 ft  
whenever possible.**



[cdc.gov/coronavirus](https://cdc.gov/coronavirus)