

**EIGHTH LOCAL EMERGENCY DIRECTIVE  
BY THE MAYOR OF THE CITY OF EL PASO, TEXAS**

**ISSUED MAY 21, 2021**

**WHEREAS**, in December 2019, a novel coronavirus now designated SARS-CoV-2 which causes the disease COVID-19 was identified; and

**WHEREAS**, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency and the Mayor of the City of El Paso declared a local State of Disaster pursuant to Texas Government Code Section 418.108; and

**WHEREAS**, on March 17, 2020, the City Council of El Paso adopted an Emergency Ordinance extending the City's state of disaster, instituting emergency measures due to a public health emergency, and authorizing the Emergency Management Director or designee to update, restrict, and promulgate regulations necessary to comply with federal, state and local authorities' guidance in relation to COVID-19, which has continuously been extended through today; and

**WHEREAS**, pursuant to Texas Government Code §418.1015(a), the Mayor serves as the office of emergency management director for the City of El Paso (the "City"); and

**WHEREAS**, Texas Government Code, Chapter 418 authorizes the emergency management director to issue Directives, which are necessary for the protection of life and property in the City; and

**WHEREAS**, in response to the COVID-19 public health emergency and in an effort to preserve El Pasoan's health and safety during the ongoing pandemic, the Mayor of the City of El Paso has issued seven Local Emergency Directives, and corresponding amendments, since March 24, 2020; and

**WHEREAS**, on October 8, 2020, the City of El Paso joined the rest of Texas in the State's phased reopening through Governor Abbott's Executive Order GA-32 ("GA-32"); and

**WHEREAS**, the City and County experienced the largest surge of COVID-19 cases and hospitalizations during the months of October and November 2020, which was considered to be the largest in the country for a metropolitan area at that time; and

**WHEREAS**, from October 11, 2020, to February 26, 2021, hospitalizations due to COVID-19 were consistently above 15%, which pursuant to GA-32, was considered “high hospitalization” area and limited occupancy on all businesses to no more than 50%; and

**WHEREAS**, on March 2, 2021, the Governor issued his Executive Order GA-34 (“GA-34”) to fully re-open the State of Texas and eliminate a statewide mandate for face coverings to be effective on March 10, 2021; and

**WHEREAS**, GA-34 allows for the County Judge of a jurisdiction within a high hospitalization area to use COVID-19-related mitigation strategies, with certain limitations; and

**WHEREAS**, Trauma Service Area I, which includes El Paso County, was the last area in the entire state to remain on the Texas Department of State Health Services’ website as a high hospitalization area; and

**WHEREAS**, El Paso County businesses remained limited to 50% occupancy through March 4, 2021 in accordance with GA-32, and only left the “high hospitalization” category on March 5, 2021 when notified by the Texas Health and Human Services Commission, and

**WHEREAS**, on March 10, 2021, El Paso Mayor Oscar Leeser issued the Seventh Local Emergency Directive for the City of El Paso, which included a requirement that face coverings and social distancing were required at City facilities as a means to prevent the further spread of COVID-19; and

**WHEREAS**, the community’s continued cooperation with such life saving measures including the wearing of face coverings, social distancing, hand washing and other steps have significantly reduced the high infection rate that we suffered in prior months; and

**WHEREAS**, the community’s added cooperation with obtaining vaccinations against COVID-19 have driven the hospitalization and infection rates downward; and

**WHEREAS**, on May 13, 2021, the CDC announced that fully vaccinated people no longer need to wear face coverings in many situations; and

**WHEREAS**, on May 18, 2021, the Texas Governor issued Executive Order No. GA-36 relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster; and

**WHEREAS**, as of May 19, 2021, the City and County of El Paso have approximately 53.5% of the population older than 16 years of age fully vaccinated; at least 75% of those older

than 16 years of age would need to be vaccinated in order to be considered to have achieved herd immunity; and

**WHEREAS**, as of May 19, 2021, there have been over 135,699 El Paso County community members infected with COVID-19, of which over 14,452 individuals have been hospitalized due to COVID-19 and at least 2,597 members of our community have died as a direct result from COVID-19; and

**WHEREAS**, the City of El Paso once more thanks local patrons of City facilities for their compliance with all prior face coverings requirements, and now in compliance with GA-36 seeks to withdraw its prior requirement for face coverings at City; and

**WHEREAS**, during this time, Mayor Leeser urges all City residents to get fully vaccinated in order to bring the entire community one step closer to herd immunity; and

**WHEREAS**, Mayor Leeser applauds the community's efforts in achieving 53.5% for community members over 16 years of age and an impressive 78.8% of seniors over 65 years of age to date that are fully vaccinated; and

**WHEREAS**, until herd immunity is reached, Mayor Leeser strongly urges all patrons of City facilities to continue to practice COVID-19 prevention measures such as the wearing of face coverings when visiting City facilities; and

**WHEREAS**, GA-36 supercedes subparagraph number 2(c)(iii) of GA-34, with regard to GA-34's allowance for a legally authorized official to act to enforce trespassing laws and remove violators of COVID-19 safety protocols at the request of a business establishment or other property owner; and

**WHEREAS**, Mayor Leeser seeks to align this Eighth Local Emergency Directive with GA-36 with regard to the removal of the reference to trespass laws as applied in his Seventh Local Emergency Directive; and

**WHEREAS**, Mayor Leeser now issues this Eighth Local Emergency Directive.

**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 FINDS AND DIRECTS:**

## **SECTION 1. General Guidance on Preventive Measures against COVID-19**

1. In order to continue protecting themselves, their family and the entire community, individuals are strongly urged to get fully vaccinated against COVID-19. Currently three vaccines have been given Emergency Use Authorization by the Food and Drug Administration (FDA) and have been recommended to be administered by The Centers for Disease Control and Prevention (“CDC”) Advisory Committee on Immunization Practices (ACIP) to people either 12 years of age for one of the vaccines and older and/or 18 years of age and older for other vaccines. After the hardships the El Paso community has faced as a result of the global pandemic, the ability to safely resume activities without face coverings or social distancing depends upon the achievement of the optimal percentage of our community’s population fully immunized and is a monumental shift toward normalcy. This is the optimal scenario as it allows for community safety and continued safe opening of businesses.
2. The CDC continues to recommend prevention strategies to reduce the risk of infection for those individuals who are not fully vaccinated, such as continue to use face coverings and practice six feet of social distancing from other individuals who are not fully vaccinated and practice good hygiene after being in contact with groups of people. Individuals who are not yet fully vaccinated remain at risk and are strongly encouraged to consult with their healthcare provider about any questions about available COVID-19 vaccines, how to obtain a vaccination. Without a doubt, our community is the strongest when we all work together in unison, as we have done throughout the pandemic for public health purposes.
3. We continue to look out for our most vulnerable population. People over the age of 65 and all of those who take care of that population are very strongly encouraged to get fully vaccinated against COVID-19. Until they are fully vaccinated, people over the age of 65 and/or those who have uncontrolled chronic conditions, are encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has not been fully vaccinated against COVID-19 and who has been out of the residence in the previous 14 days; and if leaving home, it is strongly recommended to continue wearing face covering, to implement social distancing and to practice good hygiene.
4. All residents are recommended to continue washing hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer with at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands) and regularly cleaning high-touch surfaces.
5. **Face Coverings.** 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 a recognized and important method in helping to slow the spread of the virus. Therefore, although it is not mandatory, **it is very strongly urged that every person who is not fully vaccinated in El Paso wear some form of face covering over their nose and mouth, such as a homemade**

mask, scarf, bandana, or handkerchief, when inside a commercial entity or other building or space open to the public, or when in an outdoor public space gathering with not fully vaccinated family friends and others, and whenever it is not feasible to maintain six feet of social distancing from individuals who are not fully vaccinated.

**For those individuals who are not fully vaccinated, it is very strongly recommended to wear a face covering, and it is not a substitute for maintaining 6-foot social distancing and hand-washing, as these remain critical steps to slowing the spread of the virus.**

**6. Laboratory Confirmed COVID-19 Test Results.**

An individual that receives a positive COVID-19 test result but that has not yet been contacted by the City's Department of Public Health within 24 hours of receiving the laboratory results, must isolate and report to (915) 212-6520 within 24 hours of receiving the positive test result, and those from within their household must quarantine if not fully vaccinated or if experiencing signs and symptoms of COVID-19. The individual should also follow the City of El Paso Health Authority Order for Release from Home Isolation as published on [epstrong.org](http://epstrong.org).

**SECTION 2. Activities Subject to Restrictions**

1. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance regarding visitations and should follow infection control policies and practices set forth by Texas Health and Human Services Commission, including minimizing the movement of staff between facilities whenever possible.
2. The City has initiated a safe and phased reopening of some City facilities. The City Manager, in consultation with the Local Health Authority, may designate which and how City facilities will open or close and which and how City services will be provided. See **Public Health Authority Orders and Guidance as found at <http://epstrong.org/health-orders.php>**. For clarity, all City parks and open facilities are subject to the limitations set forth in this Directive, including playgrounds and fitness equipment within City parks. Face coverings and social distancing are strongly encouraged at City facilities, as determined by the City Manager in consultation with the Local Health Authority.

**SECTION 3. Re-Opening of Businesses.**

1. During those times that the City of El Paso is not in an area with high hospitalizations as defined below, there shall be no COVID-19 related operating limits for any business or other establishment; **provided, however, that nothing in this Directive precludes businesses or other establishments from requiring employees or customers to wear a face covering, follow social distancing protocols and additional hygiene measures whether or not the business or other establishment has adopted a formal Health and Safety Policy as described below in this Section 3, subsection 1.b.**
  - a. An "area with high hospitalizations" means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a

percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less.

- b. **Health and Safety Policy.** All business and other establishments in the City of El Paso are strongly encouraged to develop and implement a health and safety policy (“**Health and Safety Policy**”). The Health and Safety Policy should be posted in a conspicuous location sufficient to provide notice to employees, volunteers and visitors and should strongly encourage, (including in the case of City of El Paso facilities), at a minimum the following:
    - i. that employees, including volunteers, have a face covering when either in an area or performing an activity that 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. that all visitors, to include contractors and vendors, wear face coverings while on the business’s premises, with exceptions stated as necessary; and
    - iii. any other mitigating measures designed to control and reduce the transmission of COVID-19.
  - c. **Individuals frequenting business or other establishments are very strongly urged to adhere to the social distancing, COVID-19 prevention measures and face covering provisions in Section 1, subsections 4 and 5 above,** whether or not the business or other establishment has adopted a Health and Safety Policy as set forth in this Section 3.
  - d. For the purposes of this Directive, businesses include any for-profit or non-profit entity including the City of El Paso, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
2. In the event the City of El Paso falls within the definition of an area with high hospitalizations, as defined above:
- a. Although there are no state-imposed COVID-19-related operating limits for any business or other establishments, businesses and establishments are strongly encouraged to adopt a Health and Safety Policy as provided in Section 3, subsection 1.b. above.
  - b. **While there is no state-imposed requirement to wear a face covering, all individuals are very strongly urged to do so, as provided in Section 1, subsection 5. above.**
  - c. The County Judge may impose COVID-19 related mitigation strategies; provided, however, that:

- i. Business and other establishments may not be required to operate at less than 50 percent of total capacity, with no operating limits allowed to be imposed for the following:
  1. religious services (including those conducted in churches, congregations, and houses of worship);
  2. public and private schools (the latter of which shall operate as provided by guidance issued by the Texas Education Agency) and institutions of higher education; and
  3. child-care services.

#### **SECTION 4. Incorporation of Local Public Health Authority Orders and Guidance and state health recommendations**

1. Local Public Health Authority Orders and Guidance are found at <http://epstrong.org/health-orders.php> and are offered for all businesses or other establishments, activities and services as provided by this Directive.
2. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to follow the CDC recommendations to slow the spread of COVID-19 found at [How to Protect Yourself & Others | CDC](#), and the Texas Department of State Health Services (“DSHS”) health recommendations, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus).

#### **SECTION 5. Posting of This Directive**

The City of El Paso’s Public Information Office will post this Directive and Local Public Health Authority Orders on its website, [www.epstrong.org](http://www.epstrong.org). In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Directive is strongly encouraged to post a copy of this Directive onsite and to provide a copy to any member of the public asking for a copy.

#### **SECTION 6. Prior Directives**

This Directive is issued in accordance with and incorporates by reference declarations, ordinances, findings, and recitals set out in the preamble to this Directive. Unless specifically referenced in this Eighth Local Emergency Directive, all prior Local Emergency Directives and relevant amendments shall stand superseded.

#### **SECTION 7. Savings Clause.**

If any subsection, sentence, clause, phrase, or word of this Directive 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 remaining portions or applications of this Directive.

**SECTION 8. Effective Date.**

This Eighth Local Emergency Directive shall take effect at 11:59 p.m. on May 21, 2021.

**DIRECTED this the 21st day of May, 2021.**

**CITY OF EL PASO, TEXAS**



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**Oscar Leeser**  
Mayor

**ATTEST:**



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Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**



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Karla M. Nieman  
City Attorney