

Mansfield Citizens:

The issue of whether golf courses should remain open/closed has been a hot topic for the duration of our time as a community living through COVID-19.

During a city/county officials phone call on Tuesday of this week, Governor Abbott fielded/answered a question as to whether golf courses are to be open/closed, by saying golf courses are not an Essential Business and thus should be closed. As a result of this response from the Governor, the City's Fire Marshall notified the golf courses they must be closed.

In order to review the status of the state and local orders/declarations that are currently in writing and in effect for the areas where the two (2) golf courses are located in Mansfield, Tarrant County, Texas, (\*\*none of the golf courses located in the incorporated city limits of Mansfield are located in Ellis County or Johnson County), one must look at the Governor's Executive Order GA 14 dated 3/31/20, Executive Order of County Judge B. Glen Whitley dated 4/3/20, and the Fourth Amended Declaration of Public Health Emergency, City of Mansfield dated 4/3/20.

**In reviewing Governor Abbott's Executive Order GA 14 he issued on 3/31/20, two (2) paragraphs on page 3 of GA 14 are relevant to the issue of whether golf courses should currently be open/closed, to wit:**

- "This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household; and
- This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Section 418.1015(b) and 418.108 of the Texas Government code, Chapter 81, Subchapter E of the Texas Health and Safety Code to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

**In reviewing the Executive Order of County Judge B. Glen Whitley that he issued three (3) days later on 4/3/20, in relevant part it says:**

1. ...
2. ...
3. ...
4. ...
5. All persons currently residing within the incorporated and unincorporated territory of Tarrant County shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel, Essential Services,

**and Essential Activities**, to work in or access Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must maintain Social Distancing and minimize in-person contact with people who are not in the same household.

Nothing in this Executive Order is intended to restrict “essential services” as such term is defined in Governor Abbott’s Executive Order GA-14 (Order GA-14), nor is it intended to allow gatherings prohibited by Order GA-14. To the extent that the Texas Division of Emergency Management approves additions to “essential services”, those additions will be treated as an Essential Business in Tarrant County. Nothing herein is intended to impose restrictions inconsistent with Order GA-14 or any other order issued by the Governor currently in effect relating to COVID-19 (a COVID Order). To the extent that this Executive Order conflicts with a COVID Order, the provisions in a COVID Order prevail.<sup>1</sup>

6. All businesses operating in Tarrant County, except Essential Businesses as defined herein, shall not allow members of the public to occupy business premises. Non-essential businesses may continue **Minimum Basic Operations**, as outlined below, so long as the businesses strictly adhere to the following: (1) minimize in-person contact with people who are not in the same household; (2) maintain Social Distancing; (3) utilize remote teleworking to the greatest extent possible; and (4) minimize the number of employees needed to operate at a basic level.

Minimum Basic Operations allows the minimum necessary activities to:

- a. Maintain the value of the business’s inventory or equipment, process payroll and employee benefits, maintain the premises and the security of the premises, equipment or inventory, including the care and maintenance of livestock or animals;
- b. IT or other operations that facilitate employees working from home; and
- c. **Facilitate online or call-in sales; and/or perform in-store repair services.**

7. ...
8. ...
9. ...
10. ...
11. ...
12. ...

13. Definitions:

- a. ...
- b. ....
- c. Essential Activities includes any of the following:
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).

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<sup>1</sup> All questions relating to a COVID Order shall be directed to the Texas Division of Emergency Management via email at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov). Information is also available at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).