

ORDINANCE No. 2020-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS; EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; REPEALING ALL PREVIOUS ORDINANCES; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

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 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and,

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

WHEREAS, President Trump declared a national emergency on March 13, 2020; and,

WHEREAS, Governor Greg Abbott declared a public health disaster on March 13, 2020; and,

WHEREAS, the Center for Disease Control recommends that citizens stop handshaking, clean hands at the door, schedule regular hand washing, avoid touching faces and cover coughs and sneezes, disinfect surfaces like doorknobs, tables, desks, and handrails regularly, increase ventilation by opening windows or adjusting air conditioning, maintain a social distance of six feet between non-family members, and wear face coverings when out in public; and,

WHEREAS, the Center for Disease Control recommends the use of video-conferencing for meetings when possible, and adjusting or postponing large meetings or gatherings; and,

WHEREAS, the Center for Disease Control recommends citizens stay home if they are

feeling sick or when they have a sick family member in their home; and,

WHEREAS, households with vulnerable seniors and persons with underlying health conditions should conduct themselves as if they were a significant risk to the vulnerable senior or person with underlying conditions; and,

WHEREAS, the identification of “community spread” cases of COVID-19 in the United States has signaled that transmission of the virus is no longer limited to those who traveled to China, or had contact with travelers who have visited China; and,

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and,

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and,

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, and promote the health and safety of Leon Valley residents; and,

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Ordinance helps preserve critical and limited healthcare capacity in the City; and,

WHEREAS, the City of Leon Valley will work collaboratively with Bexar County, and other area agencies and political subdivisions to ensure that all appropriate and necessary measures are taken to limit the development, contraction and spread of COVID-19; and,

WHEREAS, pursuant to the Texas Disaster Act of 1975, the mayor is designated as the emergency management director of the City of Leon Valley, and may exercise the powers granted to the governor on an appropriate local scale; and,

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and,

WHEREAS, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and,

WHEREAS, on March 16, 2020, the Mayor made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, on March 18, 2020, the City Council of the City of Leon Valley approved an ordinance extending the declaration of local disaster for 30 days; and,

WHEREAS, on March 23, 2020, Bexar County Commissioners Court issued a county wide "Stay Home, Work Safe Order" directing all persons within incorporated and unincorporated Bexar County to stay home to mitigate the spread of COVID-19; and

WHEREAS, on March 25, 2020, the Leon Valley City Council passed an Ordinance comply with Bexar County's "Stay Home, Work Safe Order"; and

WHEREAS, on April 06, 2020, Bexar County Commissioners Court issued Executive Order NW-05 extending and updating to the county wide "Stay Home, Work Safe Order" directing all persons within incorporated and unincorporated Bexar County to continue to stay home to mitigate the spread of COVID-19; and

WHEREAS, on April 13, 2020, the Leon Valley City Council passed Ordinance 2020-19 to incorporate Texas Governor's Executive Order GA-14 and Bexar County Commissioners Executive Order NW-03; and

WHEREAS, on April 27, 2020, Texas Governor's Executive Order GA-18 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster was issued; and

WHEREAS, on April 29, 2020, Bexar County Commissioners Court issued Executive Order NW-07 extending and updating to the county wide "Stay Home, Work Safe Order" directing all persons within incorporated and unincorporated Bexar County to continue to stay home to mitigate the spread of COVID-19; and

WHEREAS, on May 05, 2020, the Leon Valley City Council passed Ordinance 2020-20 to incorporate Texas Governor's Executive Order GA-18 and Bexar County Commissioners Executive Order NW-07; and

WHEREAS, on May 05, 2020, Texas Governor's Executive Order GA-21 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in

response to the COVID-19 disaster was issued; and

WHEREAS, on May 18, 2020, Texas Governor's Executive Order GA-23 relating to the expanded opening of Texas in response to the COVID-19 disaster was issued; and

WHEREAS, on May 19, 2020, Bexar County Commissioners Court issued Executive Order NW-08 extending and updating to the county wide "Stay Home, Work Safe Order" directing all persons within incorporated and unincorporated Bexar County to continue to stay home to mitigate the spread of COVID-19; and

WHEREAS, on June 03, 2020, Texas Governor's Executive Order GA-26 relating to the expanded opening of Texas in response to the COVID-19 disaster was issued; and

WHEREAS, on June 4, 2020, Bexar County Commissioners Court chose not to extend Executive Order NW-08, the county wide "Stay Home, Work Safe Order", letting the ordinance expire as of June 4, 2020; and

WHEREAS, as of June 4, 2020, there are 68,271 persons confirmed to have COVID-19 in Texas, and 1734 Texans have died from COVID-19; and,

WHEREAS, as of June 4, 2020, there are 2882 persons confirmed to have COVID-19 in Bexar County, and 75 have died due to complications from the virus; and,

WHEREAS, as of June 4, 2020, there are over 1,895,994 cases of COVID-19 reported in the United States, including 108,908 deaths; and,

WHEREAS, the City of Leon Valley finds that due to Texas Governor's Executive Order GA-26, Leon Valley Ordinance 2020-22 must be changed to maintain compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY:

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The Governor's Executive Order GA-26 relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster is herein adopted for all purposes and attached hereto as Exhibit A.

- Section 3. That the local state of disaster and public health emergency as declared by Mayor Chris Riley for the City of Leon Valley pursuant to §418.108(a) of the Texas Government Code is hereby superseded, amended, and extended until rescinded by the Leon Valley City Council pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit B.
- Section 4. Pursuant to §418.108(c) of the Government Code, this extension of declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 5. Pursuant to §418.108(d) of the Government Code, this extension of declaration of a local state of disaster and public health emergency maintains in effect the City of Leon Valley emergency management plan.
- Section 6. Pursuant to §418.020(c) of the Government Code, this extension of declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
- Section 7. Pursuant to §122.006 of the Health and Safety Code, this extension of declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 8. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein.
- Section 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 10. A violation of the Leon Valley specific portions of this ordinance is a Class C misdemeanor punishable by a fine not to exceed \$2,000. After the second violation a temporary suspension of the businesses certificate of occupancy may occur.

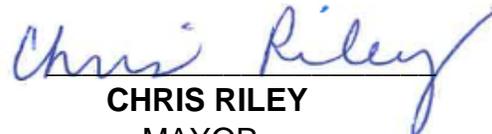
Section 11. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 12. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 13. This Ordinance shall be in force and effect from and after its final passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 4th day of June 2020.

APPROVED


CHRIS RILEY
MAYOR

Attest :


SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney





GOVERNOR GREG ABBOTT

June 3, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4PM O'CLOCK


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-26 relating to the expanded opening of Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
June 3, 2020

EXECUTIVE ORDER GA 26

Relating to the expanded opening of Texas in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, and GA-23 over the course of April and May 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as normal business operations resume, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols recommended by DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code,

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JUN 03 2020

and the legislature has given the governor broad authority to fulfill that responsibility;
and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and other medical advisors, the Governor's Strike Force to Open Texas, the White House, and the CDC, do hereby order the following on a statewide basis effective immediately:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:
 - a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
 - b. religious services conducted in churches, congregations, and houses of worship;
 - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
 - d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths; and
 - f. recreational sports programs for youths and adults;
2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:
 - a. professional, collegiate, or similar sporting events;
 - b. swimming pools;
 - c. water parks;
 - d. museums and libraries;
 - e. zoos, aquariums, natural caverns, and similar facilities; and
 - f. rodeos and equestrian events;
3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
 - a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
 - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
 - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment

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- and growth services;
4. Amusement parks and carnivals shall operate at no more than 50 percent of the normal operating limits as determined by the owner, except that in counties with more than 1,000 cumulative cases of COVID-19, amusement parks may not begin operating until 12:01 a.m. on June 19, 2020;
 5. For any outdoor gathering estimated to be in excess of 500 people, other than those set forth above in paragraph numbers 1, 2, or 4, the county judge or mayor, as appropriate, in consultation with the local public health authority, may impose additional restrictions;
 6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall increase at 12:01 a.m. on June 12, 2020, to permit such restaurants to operate at up to 75 percent of the total listed occupancy of the restaurant;
 7. For indoor bars and similar indoor establishments that are not restaurants as defined above and that hold a permit from the Texas Alcoholic Beverage Commission, only those customers who are seated may be served;
 8. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment starting 12:01 a.m. on June 12, 2020;
 9. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed; and
 10. Staff members are not included in determining operating levels, except for manufacturing services and office workers.

Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible. Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall avoid visiting.

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JUN 03 2020

For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

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 services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are 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.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-23, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-20, GA-24, or GA-25. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 3rd
day of June, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

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SECRETARY OF STATE
4 PM O'CLOCK

JUN 03 2020

EXHIBIT B

Public Health Emergency Rules and Regulations

Consistent with the Governors Executive Order GA-26 the following rules and regulations are hereby implemented:

To ensure the health and safety of the public and staff, with regards to Leon Valley municipal buildings it is ordered as follows:

- (i) physical facilities of the library, pools and the Senior Center of the City of Leon Valley are hereby ordered closed to the public. At the discretion of the Municipal Court Judge, Municipal Court may utilize teleconferencing and video teleconferencing to hold court. All facilities open for public use will maintain compliance with the health and safety protocols established by the Centers for Disease Control (CDC); and
- (ii) future City Council and board and commission meetings may be conducted in-person, by telephone conference or video conferencing pursuant to Texas Government Code Section 551.125 as modified by Governor Greg Abbott on March 16, 2020, suspension of certain sections of the Texas Open Government; and
- (iii) the physical facilities of City Hall, City Administration, Planning and Zoning, and the City Cashiers are open with limitations in place to comply with the CDC sanitation and health and safety protocols. Residents are highly encouraged to continue to use online services at www.leonvalleytexas.gov for processing of payments, fees and permits; and
- (iv) police and fire service responses will continue uninterrupted.