

ORDINANCE No. 2021-18

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 PROVIDING SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 12, 2021, the Leon Valley City Council passed Ordinance 2021-002 moving the Library back into Stage 3 and opening up the basketball courts; and

WHEREAS, on March 02, 2021, Texas Governor's Executive Order GA-34 relating to the opening of Texas in response to the COVID-19 disaster, which removes all restrictions on mask mandates and limitations on percentage restrictions of businesses; and

WHEREAS, on March 9, 2021, the Leon Valley City Council amended Ordinance 2021-002 by adopting Texas Governor's Executive Order GA-34

WHEREAS, on March 15, 2021, all Leon Valley City Facilities with the exception of the Library were opened with Covid restrictions; and

WHEREAS, on April 5, 2021, Texas Governor's Executive order GA-35 relating to COVID-19 vaccines and the protection of Texan's private health information; and

WHEREAS, receiving one of the COVID-19 vaccines is strongly encouraged, it is always voluntary in Texas and will never be mandated by the government; and

WHEREAS, every person who is at least 16 years old is now eligible to receive a shot if they so choose; and

WHEREAS, an individual's COVID-19 vaccination status is private health information, and no governmental entity should compel disclosure of this information by mandating a so called "vaccine passport" for COVID-19; and

WHEREAS, no governmental entity can compel any individual to receive a COVID-19 vaccine; and

WHEREAS, state agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine; and

WHEREAS, any public or private entity that is receiving or will receive public funds through any means shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for COVID-19 vaccine; and

WHEREAS, no consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for COVID-19 vaccine; and

WHEREAS, Texas executive order GA-35 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster; and

WHEREAS, GA-35 does not supersede Executive Orders GA-10, GA-13, or GA-34. GA-35 shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor.

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-35 relating to COVID-19 vaccines and the protection of Texan's private health information.
- 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 C.
- 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. 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 11. 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 12. 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 20th day of April 2021.

APPROVED



CHRIS RILEY
MAYOR

Attest:



SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney



ROXANA PEREZ STEVENS
City Attorney





GOVERNOR GREG ABBOTT

April 5, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30 PM O'CLOCK

APR 05 2021

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-35 relating to COVID-19 vaccines and the protection of
Texans' private health information.

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

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "Davidson".

Gregory S. Davidson
Executive Clerk to the Governor

GSD/md

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 5, 2021

EXECUTIVE ORDER
GA 35

*Relating to COVID-19 vaccines and the protection
of Texans' private health information.*

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, 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, the U.S. Food and Drug Administration (FDA) has granted emergency use authorizations for COVID-19 vaccines that are not yet FDA-approved, pursuant to the Project BioShield Act of 2004, 21 U.S.C. § 360bbb-3; and

WHEREAS, that federal statute expressly recognizes that each individual has “the option to accept or refuse administration of the product” under an emergency use authorization, 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III); and

WHEREAS, receiving one of these COVID-19 vaccines under an emergency use authorization, while strongly encouraged, is always voluntary in Texas and will never be mandated by the government; and

WHEREAS, Texas has administered over 12 million doses of the COVID-19 vaccines, and every person who is at least 16 years old is now eligible to receive a shot if they so choose; and

WHEREAS, millions more Texans have already recovered from COVID-19 and thus acquired some degree of immunity; and

WHEREAS, some Texans are still waiting to receive a COVID-19 vaccine, while others will opt out altogether due to a religious objection, a health concern, or some other reason; and

WHEREAS, an individual's COVID-19 vaccination status is private health information, and no governmental entity should compel disclosure of this information by mandating a so-called “vaccine passport” for COVID-19 or by otherwise conditioning receipt of

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:30 AM 5:00 CLOCK

APR 05 2021

services on an individual's COVID-19 vaccination status; and

WHEREAS, the Constitution does not empower the federal government to mandate nationwide vaccine passports for COVID-19, and Texas will not impose such vaccine passports with the police power that is reserved to the States under our system of federalism; and

WHEREAS, I request that the 87th Legislature address this important privacy issue in the current legislative session; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;"

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, do hereby order the following on a statewide basis effective immediately:

1. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
2. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
3. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30 PM
CLOCK

APR 05 2021

documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.

4. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. 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.

This executive order does not supersede Executive Orders GA-10, GA-13, or GA-34. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 5th
day of April, 2021.

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:30 PM '21

APR 05 2021