

ORDINANCE No. 2021-10

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, on June 4, 2020, the Leon Valley City Council passed Ordinance 2020-26 to incorporate Texas Governor's Executive Order GA-26 and open all facilities to the public on a phased time-line; and

WHEREAS, on June 16, 2020, the Leon Valley City Council passed Ordinance 2020-27 to add changes to the pool hours and fees; and

WHEREAS, on June 17, 2020, Bexar County Commissioners Court issued Executive Order NW-10 which required all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19; and

WHEREAS, on June 26, 2020, Texas Governor's Executive Order GA-28 relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas was issued; and

WHEREAS, on June 29, 2020, the Mayor made a second Declaration of Public Health Emergency, and further declared all pools and parks owned by the City of Leon Valley closed due to the extreme spikes in COVID cases in Leon Valley, Bexar County, and throughout Texas; and

WHEREAS, on July 1, 2020, Bexar County Commissioners Court issued Executive Order NW-12 which required all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, and requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter; and

WHEREAS, on July 2, 2020, Texas Governor's Executive Order GA-28 was amended relating to the mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19); and

WHEREAS, on July 2, 2020, Texas Governor's Executive Order GA-29 relating to the use of face coverings during the COVID-19 disaster was issued; and

WHEREAS, on July 07, 2020, the Leon Valley City Council passed Ordinance 2020-32 closing all city facilities, city parks and city pools; and

WHEREAS, on July 15, 2020, Bexar County Commissioners Court issued Executive Order NW-13 which extended the requirement for all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, and requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter; and

WHEREAS, on July 21, 2020, the Leon Valley City Council passed Ordinance 2020-37 keeping all city facilities, city parks and city pools closed (with stipulations); and

WHEREAS, on August 04, 2020, the Leon Valley City Council passed Ordinance 2020-39 keeping all city facilities, city parks and city pools closed (with stipulations) and waving the sign ordinance to allow up to two temporary signs for businesses within 100 feet of the business location; and

WHEREAS, on August 12, 2020, Bexar County Commissioners Court issued Executive Order NW-14 which extended the requirement for all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, and requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter; and

WHEREAS, on August 18, 2020, the Leon Valley City Council passed Ordinance 2020-40 keeping all city facilities, city parks and city pools closed (with stipulations) and waving the sign ordinance to allow up to two temporary signs for businesses within 100 feet of the business location; and

WHEREAS, on September 07, 2020, Governor Greg Abbott extended the public health disaster; and,

WHEREAS, on September 16, 2020, Bexar County Commissioners Court issued Executive Order NW-15 which extended the requirement for all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, and requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter; and

WHEREAS, on September 17, 2020, Texas Governor's Executive Order GA-30 relating to the continued response to the COVID-19 disaster as Texas reopens was issued; and

WHEREAS, on October 06, 2020, the Leon Valley City Council passed Ordinance 2020-51 fully opening city facilities except Library (curbside open), Senior Center, basketball courts, soccer field for organized sports, and waving the sign ordinance to allow up to two temporary signs for businesses within 100 feet of the business location; and

WHEREAS, on October 07, 2020, Texas Governor's Executive Order GA-32 relating to the continued response to the COVID-19 disaster as Texas reopens was issued; and

WHEREAS, on October 20, 2020, the Leon Valley City Council passed Ordinance 2020-52 moving the Library into Stage 4, allowing computer access by appointment in the building beginning November 17, 2020; and

WHEREAS, on October 20, 2020, the Leon Valley City Council passed Ordinance 2020-52 moving the Library into Stage 4, allowing computer access by appointment in the building beginning November 17, 2020; and

WHEREAS, on November 2, 2020, the Leon Valley City Council passed Ordinance 2020-57 keeping all city facilities, city parks (with exceptions), and city pools closed, and waving the sign ordinance to allow up to two temporary signs for businesses within 100 feet of the business location; and

WHEREAS, on December 08, 2020, Bexar County Commissioners Court issued Executive Order NW-18 which extended the requirement for all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, and requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter, and shutting down bars that do not serve food; and

WHEREAS, on December 28, 2020, Bexar County Commissioners Court issued Executive Order NW-19 which extended the requirement for all businesses to create a Health and Safety Policy, making it mandatory for businesses to enforce wearing masks to mitigate the spread of COVID-19, requiring businesses to post symptoms of COVID-19, requiring certain business to conduct temperature checks and health questionnaires before allowing people to enter, reducing the restaurant dine-in capacity, swimming pools, and aquariums to 50% occupancy, and shutting down bars that do not serve food; and

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, as of March 01, 2021, there are 196,816 persons confirmed to have COVID-19 in Bexar County, and 2,670 people have died due to complications from the virus; and,

WHEREAS, as of March 01, 2021, there are over 2,292,097 persons confirmed to have COVID-19 in Texas, and 42,995 Texans have died from COVID-19; and,

WHEREAS, as of March 01, 2021, there are 28,652,953 cases of COVID-19 reported in the United States, including 514,253 deaths; and,

WHEREAS, the City of Leon Valley finds that Leon Valley Ordinance 2021-002 must be changed to reflect new COVID-19 guidance.

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-34 relating to the opening of Texas in response to the COVID-19 disaster is herein adopted for all purposes and attached hereto as Exhibit A.
- Section 3. The Bexar County Commissioners Executive Order NW-19 as set forth in the attached Exhibit B is hereby adopted as fully set forth herein for all purposes.
- Section 4. 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 5. If any conflict arises between the Governor's Executive Order GA-34, Bexar County's Executive Order NW-19, and the attached Exhibit C the Governor's orders applies.
- Section 6. 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 7. 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 8. 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 9. 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 10. 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 11. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 12. 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 13. 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 14. 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 9th day of March 2021.


APPROVED



CHRIS RILEY
MAYOR



Attest:


SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney



GOVERNOR GREG ABBOTT

March 2, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15 PM O'CLOCK

MAR 02 2021

A handwritten signature in black ink, appearing to read "Ruth R. Hughs", written over a horizontal line. Below the line, the text "Secretary of State" is printed.

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-34 relating to the opening of Texas in response to the COVID-19 disaster.

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

Respectfully submitted,

A large, stylized handwritten signature in blue ink, appearing to read "GSD", written over a horizontal line.

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
March 2, 2021

EXECUTIVE ORDER GA 34

Relating to the 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, 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 social-distancing restrictions in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I subsequently issued a series of superseding executive orders aiming to achieve the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing restrictions while implementing a safe, strategic plan to reopen Texas; and

WHEREAS, under Executive Order GA-32, in effect since October 14, 2020, most establishments have been able to operate up to at least 75 percent of total occupancy, except in some areas with high hospitalizations as defined in that order, where most establishments have been able to operate up to at least 50 percent of total occupancy; and

WHEREAS, I also issued Executive Order GA-29, regarding the use of face coverings to control the spread of COVID-19, and a series of executive orders, most recently GA-31, limiting certain medical surgeries and procedures; and

WHEREAS, COVID-19 hospitalizations and the rate of new COVID-19 cases have steadily declined due to the millions of Texans who have voluntarily been vaccinated, many more who are otherwise immune, improved medical treatments for COVID-19 patients, abundant supplies of testing and personal protective equipment, and Texans' adherence to safe practices like social distancing, hand sanitizing, and use of face coverings; 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

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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;”

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 medical advisors, do hereby order the following on a statewide basis effective at 12:01 a.m. on March 10, 2021:

1. In all counties not in an area with high hospitalizations as defined below:
 - a. there are no COVID-19-related operating limits for any business or other establishment; and
 - b. individuals are strongly encouraged to wear face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.

“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. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.

2. In any county located in an area with high hospitalizations as defined above:
 - a. there are no state-imposed COVID-19-related operating limits for any business or other establishment;
 - b. there is no state-imposed requirement to wear a face covering; and
 - c. the county judge may use 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 occupancy, with no operating limits allowed to be imposed for religious services (including those conducted in churches, congregations, and houses of worship), public and private schools and institutions of higher education, and child-care services;
 - ii. no jurisdiction may impose confinement in jail as a penalty for violating any order issued in response to COVID-19; and
 - iii. no jurisdiction may impose a penalty of any kind for failure to wear a face covering or failure to mandate that customers or employees wear face coverings, except that a legally authorized official may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.
3. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
4. Nothing in this executive order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering.
5. Nursing homes, state supported living centers, assisted living facilities, and long-

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MAR 02 2021

term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.

6. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
7. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
8. Executive Orders GA-17, GA-25, GA-29, and GA-31 are rescinded in their entirety.
9. 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 or allows gatherings restricted by 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.
10. 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 Orders GA-17, GA-25, GA-29, GA-31, and GA-32, but does not supersede Executive Orders GA-10 or GA-13. 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 2nd
day of March, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15pm O'CLOCK

MAR 02 2021

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:15pm O'CLOCK

MAR 02 2021



EXECUTIVE ORDER NW-19 OF BEXAR COUNTY JUDGE NELSON W. WOLFF
ISSUED December 28, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Bexar County Judge Nelson W. Wolff declared a state of local disaster on March 13, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 18, 2020 and June 16, 2020, the Bexar County Commissioners Court approved Orders Continuing Declaration of State of Local Disaster for Bexar County and on September 15, 2020, the Bexar County Commissioners Court again approved a third Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the “*Third Order of Continuation of Declaration*”);

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Bexar County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified and take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County by the issuance of executive orders (each, an “*Executive Order*”);

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 the Texas Department of State Health Services (DSHS) and the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the Bexar County Community and rates of infection are increasing at an alarming exponential rate and the number of people ending up in the hospital, ICU, or on ventilators is also dramatically rising despite efforts by local authorities to control the spread;

WHEREAS, by letter dated December 27, 2020, DSHS notified Bexar County Judge Nelson Wolff that Bexar County meets or exceeds the thresholds set out in GA-32 and is now an area of high hospitalization as a result of seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent;

WHEREAS, GA-32 mandates that any business establishment in an area qualifying as an area of high hospitalization which is subject to the 75 percent occupancy or operating limit is thereafter required to reduce occupancy levels from 75 percent to 50 percent and medical facilities in those areas may no longer perform elective surgeries;

WHEREAS, in consultation with local health professionals, the County Judge has determined that extraordinary emergency measures must be continued in order to try and mitigate the effects of this public health emergency and to facilitate a response to the public health threat presented by COVID-19 in Bexar County;

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;

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 and the current declaration of the Mayor of the City of San Antonio (as extended or modified); and

WHEREAS, by the authority vested in me as Bexar County Judge and as the Emergency Management Director for the County of Bexar 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 rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of filing on Monday, December 28, 2020 ("*Effective Date*"), and continuing until fourteen (14) days following the termination of the state-wide public health emergency as declared by Texas Governor Greg Abbott, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:

- I. **Public Health Emergency.** That this Executive Order shall continue the local disaster declaration and public health emergency for Bexar County for the period specified in this Executive Order and shall incorporate and adopt the most recent executive orders, proclamations or declarations issued by Governor Greg Abbott and any subsequent orders, proclamations or declarations issued by the Governor relating to the COVID-19 disaster. This Executive Order further identifies more stringent measures that are necessary to mitigate spread of the COVID-19 virus including adopting the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Order for Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19.

- II. **Health and Safety Policy – Commercial Entities.** From the date of this Executive Order, all commercial entities in Bexar County providing 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, 1) that all employees, customers and other visitors to the commercial entity's business premises or other facilities 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 six feet of separation is not feasible, and 2) that the commercial entity prominently display a list of COVID-19 symptoms at or near the public and employee entrances of the premises. The Health and Safety Policy

required to be developed and implemented by this Executive Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings. Temperature screening is highly encouraged for employees, customers and for visitors to retail stores with volume and capacity levels that allow for practical implementation. Commercial entities must post the Health and Safety Policy required by this Executive Order in a conspicuous location sufficient to provide notice to employees, customers and visitors of all health and safety requirements. Failure to develop and implement the Health and Safety Policy required by this Executive Order may result in a fine not to exceed \$1,000 for each violation.

- III. **Face Coverings – General Public.** In accordance with executive order GA-29, that every person 10 years or older in Bexar County shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household or when working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Face coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Bexar County residents should continue to maintain social distancing of at least six feet while outside their home. Bexar County employees are also required to wear face coverings under the same circumstances as the general public. *Following a verbal or written warning for a first-time violator of this face covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.*

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other personal protective equipment. Face coverings do not need to be worn by:

- any person younger than 10 years of age (though strongly encouraged);
- any person with a medical condition or disability that prevents wearing a face covering;
- any person while consuming food or drink, or is seated at a restaurant to eat or drink;
- any person while (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
- any person driving alone or with passengers who are part of the same household as the driver;
- any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
- any person while the person is in a swimming pool, lake, or similar body of water;
- any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged; or

- any person while the person is giving a speech for a broadcast or to an audience.

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 wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

IV. **Large Gatherings Prohibited.** Subject to the exceptions, described in Section V below, large gatherings or events estimated to be in excess of 10 people outdoors are prohibited.

V. **Area of High Hospitalization Occupancy Limitations.** The following occupancy limitations are hereafter mandated by GA-32 as a result of notification from DSHS that it is an area of high hospitalization. To the extent of a conflict between this Executive Order and the executive orders of Governor Greg Abbott, the occupancy limitations set out in executive orders GA-28, GA-30, and GA-32 apply:

A) ***No occupancy limitation*** (but should implement mitigating measures such as masks and social distancing):

1. 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 (including grocery stores, pharmacies, convenience stores, pet stores, Walmart/Target Superstores, gun stores, shooting ranges)
2. Religious services
3. Local government operations
4. Child-care services
5. Youth camps
6. Recreational sports programs for youths and adults
7. Any public or private schools, and any public or private institutions of higher education, not already covered above
8. Drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle
9. With 6ft between each work station, cosmetology salons, hair salons, barber shops, nail salons, massage establishments or other facility where licensed massage therapists practice, and other personal care or beauty services such as tanning salons, tattoo studios, piercing studios, hair removal studios, and hair loss treatment or growth services

B) **50% Occupancy limit** (and required to implement the additional mitigating health and safety measures described below):

1. Professional, collegiate, or similar sporting events
2. Swimming pools
3. Water parks
4. Museums and libraries
5. Zoos, aquariums, natural caverns, and similar facilities
6. Rodeos and equestrian events,
7. Amusement parks and carnivals

In addition to the occupancy limitations implemented above, any entity or organizer of any large gathering or event which is subject to the 50% occupancy limitation, must implement a Health and Safety Policy which requires that all employees, visitors, or customers to the entity or organizer's premises or other facilities 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 six feet of separation is not feasible, temperature/symptom screening, and protocols for maintaining social distancing during the gathering. These additional requirements for large gatherings or events subject to the 50% occupancy limitation shall be effective as of 11:59 PM on Monday, December 28, 2020. Failure to develop and implement the Health and Safety Policy required by this Executive Order may result in a fine not to exceed \$1,000 for each violation.

- VI. **Household Social Gatherings.** In accordance with the proclamation issued by Governor Abbott, that Household Social Gatherings, including family gatherings, shall not include more than 10 persons.
- VII. **Restaurants.** Dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may operate at up to 50 percent of the total listed occupancy of the restaurant.
- VIII. **Bars.** Effective as of 11:00 P.M. on December 10, 2020 and until further notice, due to a significant increase in the rate of infection in Bexar County as determined by responsible health professionals, bars and similar establishments that hold a permit from TABC and are not restaurants as defined in paragraph No. 6 of GA-32, may no longer offer on-premises service in Bexar County. The required opt-out form has been submitted to the Texas Alcoholic Beverage Commission (TABC) in accordance with GA-32.
- IX. **Rafting and Tubing Services.** People shall not use commercial rafting or tubing services, including rental of rafts or tubes and transportation of people for the purpose of rafting or tubing.
- X. **Hospitals and Surgical Procedures.** That every hospital shall hereafter postpone all elective surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician; provided, however, that


this prohibition shall not apply to any surgery or procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete any hospital capacity needed to respond to the COVID-19 public health emergency.

- XI. **Long-term Care Facilities and Dialysis Facilities.** People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, long-term care facilities and dialysis facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible. That in order to reduce the risk of transmission of COVID 19 among vulnerable populations in long-term care facilities and dialysis facilities: i) no person shall visit nursing homes, state supported living centers, assisted living facilities, dialysis facilities and long-term care facilities unless to provide critical services, or for visitation, as determined through guidance from the Texas Health and Human Services Commission or other relevant state authority; and ii) excluding those individuals providing critical services, any individual providing non-critical in-person services or who is otherwise employed or staffs a long-term care facility (e.g. nursing home, or assisted living facility) or dialysis facility and has direct patient contact shall be prohibited from working in, or visiting, more than one long-term care facility or dialysis facility for any purpose as a result of the increased risk for transmission of COVID-19 to an at-risk population unless otherwise excepted by guidance issued by the Texas Health and Human Services Commission or other relevant state authority. The prohibition shall extend to any agency or organization who employs individuals for purposes of staffing or on a temporary basis. Notwithstanding, this prohibition does not, and is not intended to, impact or restrict the ability of an individual, organization or entity to operate as an essential business under the orders of the Texas Governor, but shall only restrict the ingress/egress and movement of persons into or out of more than one nursing home facility when not necessary to provide critical services. Additionally, long-term care facilities and/or dialysis facilities should follow all additional CDC guidance to take proactive steps to protect the health of residents and preserve the health care workforce by identifying and excluding potentially infected staff members, conducting visitation consistent with the Texas Governor's executive orders, any applicable declaration of the Mayor of San Antonio and any Executive Order of the Bexar County Judge, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures.
- XII. **Temporary Halt in Residential Evictions.** A landlord, owner of residential property, or other person with legal right to pursue eviction or possessory action shall comply with the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Order for Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, published in the Federal Register on September 4, 2020 "CDC Order" for those Covered persons within the CDC Order. Pursuant to the CDC's Order, failure to comply may result in a fine not to exceed \$1,000 for each violation.
- XIII. **Bexar County Justice Center Complex and Facilities.** That the Bexar County Justice Center Complex shall have limited points of access, subject to modification as deemed necessary by the County Judge: i) the Paul Elizondo Tower Nueva Street entrance; ii) one at the Cadena-Reeves Justice Center Dolorosa Street entrance; iii) the Bexar County

Courthouse Bexar Heritage Center entrance; and iv) the County Courthouse South entrance at the Nueva Street entrance, and that all other county-owned or leased buildings have a single controlled point of entrance. Further, all citizens and employees shall be appropriately screened before entering any Bexar County owned or leased building. At the control points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a county-owned or leased facility. All social distancing measures must be implemented at the above-described control points and while in any Bexar County facility.

- XIV. **Bexar County Business.** That residents of Bexar County conduct important Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.
- XV. **Foreclosure Sale Canceled.** That foreclosure sales be scheduled for a date following public health official's determination that a foreclosure sale with a large crowd will not result in a threat to the health and safety of those in attendance due to an increased risk of transmission of COVID-19.
- XVI. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
- XVII. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.
- XVIII. **Enforcement.** In accordance with the limitations contained in the executive orders of Governor Greg Abbott or this Executive Order, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975.

ORDERED this 28th day of December, 2020



NELSON W. WOLFF
Bexar County Judge

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EXHIBIT C

Public Health Emergency Rules and Regulations

Consistent with the Governors Executive Order GA-34 and Bexar County Judge Executive Order NW-19 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 and facilities it is ordered as follows:

- (i) physical facilities of City Hall, Municipal Court, and the Community & Conference Center are hereby ordered open to the public.
- (ii) at the discretion of the Municipal Court Judge, Municipal Court may utilize in-person, teleconferencing and video teleconferencing to hold court.
- (iii) all City facilities open for public use will maintain compliance with the health and safety protocols established by the Centers for Disease Control (CDC), to include mandatory face masks, social distancing, hand-washing, and
- (iv) 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
- (v) the library will open for computer usage and continue operating through curbside pick-up. Residents are highly encouraged to continue to use online services at www.leonvalleytexas.gov for processing of payments, fees and permits; and
- (vi) the city parks pavilions, basketball court, baseball field, pools, soccer field, fitness equipment, playground equipment, park restrooms, running and walking trails, and the community garden are opened; and
- (vii) the waiver of City Ordinances concerning temporary business signs is removed.
- (viii) Leon Valley Public Library will open under Stage 4 Stage 4, allowing computer access by appointment in the building