

MAYOR AND COUNCIL COMMUNICATION

DATE: September 15, 2020 **M&C # 2020-09-15-07 J. SALVAGGIO**

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Kelly Kuenstler, City Manager

SUBJECT: Presentation, Discussion and Possible Action on An Ordinance Amending the Emergency Disaster Ordinance Local Emergency Declaration 2020-40

PURPOSE

The Purpose of This Presentation is to Discuss Possible Amendments to Ordinance 2020-40 of the Leon Valley Local Ordinance.

SEE LEON VALLEY

Social Equity

- Amendments to this ordinance ensure the health, safety, and welfare of all persons while meeting the county, state and federal recommendations

Economic Development

- Provides leeway for the City to help stem the losses incurred by the health and safety measures

Environmental Stewardship

- Ensures best practices for the environment against the spread of communicable diseases

FISCAL IMPACT

The Fiscal Impact Includes

- A minute amount of fines may be collected from individuals or businesses not abiding by the ordinance. We hope this does not happen.

STRATEGIC GOALS

Strategic Goal #1 Economic Development

- **Objective B**-Promote business friendly practices w/out compromising health, safety & welfare codes.

RECOMMENDATION

City Manager, Police Chief, Fire Chief, Library Director and Public Works Director Recommend Adopting and Following the Changes as Presented and Discussed on Leon Valley Declaration of Local Disaster Ordinance 2020-40.

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

**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, as of September 08, 2020, there are 47,736 persons confirmed to have COVID-19 in Bexar County, and 979 people have died due to complications from the virus; and,

WHEREAS, as of September 08, 2020, there are over 641,791 persons confirmed to have COVID-19 in Texas, and 13,553 Texans have died from COVID-19; and,

WHEREAS, as of September 08, 2020, there are 6,321,950 cases of COVID-19 reported in the United States, including 189,489 deaths; and,

WHEREAS, the City of Leon Valley finds that Leon Valley Ordinance 2020-40 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-28 relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas is herein adopted for all purposes and attached hereto as Exhibit A. The amendment to GA-28 is herein adopted for all purposes and attached hereto as Exhibit B. The Governor's Executive Order GA-29 relating to the use of face masks during the COVID-19 disaster is herein adopted for all purposes and attached hereto as Exhibit C.
- Section 3. The Bexar County Commissioners Executive Order NW-14 as set forth in the attached Exhibit D 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 E.
- Section 5. If any conflict arises between the Governor's Executive Order GA-28 as amended, Governors Order GA-29, Bexar County's Executive Order NW-14, and the attached Exhibit E 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. 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 13. 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 14. 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 15. 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 15th day of September 2020.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney