

**ORDINANCE No. 2020-20**

**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.**

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**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**, on March 15, 2020, the Center for Disease Control (“CDC”) lowered the recommended number of persons at mass gatherings to 50 persons; and

**WHEREAS**, on March 16, 2020, the CDC lowered the recommended number of persons at mass gatherings to 10 persons; and

**WHEREAS**. On March 19, 2020, Texas Governor Greg Abbott issued orders, prohibiting social gatherings in excess of 10 people; and

**WHEREAS**, on March 22, 2020, the Governor issued orders dealing with hospital care during this crisis; and

**WHEREAS**, at his March 22, 2020 press conference, the Governor acknowledged that the urban centers may need to enact more stringent measures to address this public emergency and stated that he would applaud the cities for doing so; and

**WHEREAS**, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

**WHEREAS**, on March 31, 2020, the Governor has issued Executive Order GA-14, implementing statewide essential services and activities protocols; and,

**WHEREAS**, as of April 28, 2020, there are 25,297 persons confirmed to have COVID-19 in Texas, 663 Texans have died from COVID-19; and,

**WHEREAS**, as of April 28, 2020, there are 1275 persons confirmed to have COVID-19 in Bexar County, and 44 have died due to complications from the virus; and,

**WHEREAS**, as of April 28, 2020, there are over 1.4 million cases of COVID-19 reported in the United States, including 59,692 deaths; and,

**WHEREAS**, the Center for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and,

**WHEREAS**, a large gathering of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; 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 videoconferencing 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 13, 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 17, 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 to 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; 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**, the City of Leon Valley finds that due changes to Texas Governor’s Executive Order GA-18 and Bexar County Commissioners Court Executive Order NW-07, Leon Valley Ordinance 2020-19 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-18 as set forth in the attached EO-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 herein for all purposes and is attached as Exhibit A.

- Section 3. The Bexar County Commissioners Executive Order NW-07 as set forth in the attached Bexar County Executive Order NW-07, shall be incorporated herein for all purposes and is attached as Exhibit B.
- Section 4. If any conflict arises between the Governor's Executive Order GA-18 and Bexar County's Executive Order NW-07 the Governor's order applies.
- Section 5. 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 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 activates 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 5th day of May 2020.

**APPROVED**

  
\_\_\_\_\_  
**CHRIS RILEY**  
MAYOR

Attest:

  
\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



Approved as to Form: City Attorney



GOVERNOR GREG ABBOTT

April 27, 2020

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APR 27 2020  
*[Signature]*  
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-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.

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

Respectfully submitted,

*[Signature]*

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  
April 27, 2020

## 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.*

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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, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; 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 renewed that determination on April 17, 2020; 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 obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, shortly before Executive Order GA-08 expired, I issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive social-distancing Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including by limiting social gatherings and in-person contact with people (other than those in the same household) to providing or obtaining "essential services," and by expressly adopting federal guidance that provides a list of critical-infrastructure sectors, workers, and functions that should continue as "essential services" during the COVID-19 response; and

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WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which have saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to replace Executive Order GA-14, and while Executive Order GA-16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Executive Order GA-16 is set to expire at 11:59 p.m. on April 30, 2020; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; 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, and the legislature has given 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 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope 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;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

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, and continuing through May 15, 2020, subject to extension based on the status of COVID-19 in Texas and the

recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, 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.

"Essential services" shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting the TDEM website at [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

"Reopened services" shall consist of the following to the extent they are not already "essential services:"

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
2. Starting at 12:01 a.m. on Friday, May 1, 2020:
  - a) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
  - b) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.
  - c) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
  - d) Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.
  - e) Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
  - f) For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, and museums and libraries, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent) of

- the total listed occupancy.
- g) Services provided by an individual working alone in an office.
  - h) Golf course operations.
  - i) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
  - j) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. 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.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

People shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance 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 the HHSC, including minimizing the movement of staff between facilities whenever possible.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not

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recommence before the end of the 2019-2020 school year. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. 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 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.

This executive order supersedes Executive Order GA-16, but does not supersede Executive Orders GA-10, GA-11, GA-12, GA-13, GA-15, or GA-17. This executive order shall remain in effect and in full force until 11:59 p.m. on May 15, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 27th  
day of April, 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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BEXAR COUNTY



EXECUTIVE ORDER NW-05 OF COUNTY JUDGE NELSON W. WOLFF  
ISSUED APRIL 6, 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, the Bexar County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the "*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 in the Order of Continuing Declaration;

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a declaration of public health disaster in and for the State of Texas and on March 19, 2020, the Texas Department of State Health Services issued a declaration of a public health disaster in the State of Texas for the first time since 1901;

WHEREAS, on March 18, 2020 the Bexar County Commissioners Court approved the Order of Continuation of Declaration and authorized the Bexar County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County;

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

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; and

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 mandates contained in the current declaration of the Mayor of the City of San Antonio (as extended or modified);

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:**

I. Effective as of 11:59 p.m. on Tuesday, April 7, 2020, and continuing through 11:59 p.m. on April 30, 2020 in accordance with executive order GA 14 of Governor Greg Abbott, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:

1. Subject to the definitions and further guidance set out in Subsection (i) below, that all persons currently residing within the incorporated and unincorporated territory of Bexar County are hereafter directed to stay at home (***“Stay Home Work Safe Measures”***). All persons may only leave their residences to engage in allowable activities which shall include Exempted Activities or Exempted Businesses (as defined below) but must implement all social distancing requirements and adopt other mitigating measures. All public or private gatherings of any number of people occurring outside a single household are hereafter prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members within a household.
2. With the exception of Exempted Businesses, as defined below, that all businesses operating within Bexar County are required to cease all activities at any facility located in the incorporated or unincorporated portions of Bexar County. Notwithstanding the above requirement to cease all activities, this prohibition shall not extend to: (i) employees or contractors performing activities at their own residences (i.e. working from home or operation of a home-based businesses regardless of whether it constitutes an Exempted Business); (ii) operations to maintain security, upkeep, and maintenance of premises, equipment or inventory; (iii) IT or other operations that facilitate employees working from home.

(i) **Definitions of Exempted Business and Exempted Individual Activity:**

(a) For purposes of this Executive Order, **Exempted Activities** are defined as follows:

- i) **Health and Safety Activities.** For example, to engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining food, medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home) or to care for a family member or pet in another household.
- ii) **Necessary Supplies.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences);
- ii) **Outdoor Activity.** To engage in activity in an outdoor open space, such as walking, biking, hiking, or running, provided the individuals comply with social distancing requirements of six feet; and/or
- iii) **Work at an Exempted Business.** Activities necessary to work at or conduct an Exempted Business or to otherwise carry out activities specifically permitted in this Executive Order.

(b) For purposes of this Executive Order, **Exempted Businesses** are defined as follows:

- i) **Healthcare Services.** Business activity related to the providing or delivering of healthcare services. For example:
  - 1. hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, including veterinary services,
  - 2. healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers,
  - 3. blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals.
  - 4. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children.

*Healthcare services do not include fitness and exercise gyms and similar facilities and do not include elective medical, surgical, and dental procedures*
- ii) **Government Functions.** For example, business activity related to the operations or services provided by government for the continuing operation of the government or its agencies to provide for the health, safety and welfare of the public, including, but not limited to, public safety, solid waste collection, and utility operations.
- iii) **Education and Research.** To include educators or other personnel supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other functions in support of Exempted Individual Activities or Exempted Businesses and those companies engaged in science or engineering research and development.

- iv) **Infrastructure, Development, Operation and Construction.** For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, water, sewer gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
- v) **Transportation.** Business related to the operation, maintenance, construction, and manufacture of transportation services. For example:
  - 1. Vehicle manufacturers, automotive suppliers, car dealerships, parts distribution, maintenance and repair facilities
  - 2. Public transportation
  - 3. Businesses supporting airport operations
  - 4. Street and highway maintenance and construction
  - 5. Gas stations and other fuel distribution businesses
  - 6. Vehicles for hire including taxis and rideshare
- vi) **IT Services.** For example, businesses and activity necessary to maintain internet and telecommunications systems, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services.
- vii) **Food, Household Staples and Retail.** For example, food service and food distribution providers including grocery stores, warehouse stores, big-box stores, liquor stores, bodegas, gas stations, and farmers' markets that sell food products and household staples. Businesses that ship or deliver groceries, food, goods or services directly to residences or provide for pick-up options, including restaurants. Notwithstanding the above exemption, all exempted food, household staples and retail establishments, including those doing pick-up/delivery shall:
  - i. Limit the amount of people at pickup or in an establishment so that social distancing may be maintained;
  - ii. Implement an organized line system where people are spaced at least 6 feet apart; and
  - iii. Post in a highly visible location, the establishment's guidelines that meet (a) and (b) above.

The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Schools and other entities that typically provide free services to students or members of the public on a pick-up/take-away basis may continue. Laundromats, dry cleaners, and laundry service providers and businesses that supply products needed for people to work from home are included in Household Staples Retail.

- vii) **Services to Economically Disadvantaged Populations.** For example, transit services, nonprofits and other businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or other vulnerable individuals.
- viii) **Services Necessary to Maintain Residences or Support Exempt Businesses.** For example,
  - 1. Hotels and other temporary residence facilities,
  - 2. Trash and recycling collection, processing and disposal,
  - 3. mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses,
  - 4. Plumbers, electricians, exterminators, moving services and other service providers who provide services to maintain the safety, sanitation, and operations of residences, and
  - 5. Professional services, such as legal or accounting services when necessary to assist in compliance with legally mandated activities, such as filing of taxes.
- ix) **News Media.** To include newspapers, television, radio, and other media services.
- x) **Financial Institutions and Insurance Services.** To include banks, credit unions, and other financial institutions and nontraditional lending businesses and service providers as well as companies providing insurance services and products.
- xii) **Childcare Services.** To include licensed childcare facilities, organizations, or individuals providing childcare services.
- xiii) **Worship Services.** Religious services conducted in churches, congregations, and houses of worship, but by remote audio, video, or teleconference whenever possible in accordance with Governor Greg Abbott's executive order GA 14 and the guidance provided by that office.
- xiv) **Funeral Services.** For example, funeral homes, crematoriums and cemeteries.
- xv) **CISA Sectors.** All businesses and industries listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 available at: [https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_Update\\_d.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Update_d.pdf)
- xvi) **Other Essential Services.** Those services added to a list of essential services by approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in the executive order of Governor Greg Abbott and in any approved additions and those deemed as essential services by TDEM shall automatically be incorporated into this Executive Order.

3. That Bexar County rental property owners temporarily suspend evictions during the pendency of this Executive Order to prevent renters from being displaced due to the public health emergency.
4. That foreclosure proceedings within Bexar County be temporarily suspended during the pendency of this Executive Order to prevent the displacement of occupants during the public health emergency.
5. That the following restrictions, limitations or requirements shall apply to all parks, private and public recreational areas and golf courses as follows:

**a. Bexar County Public Parks**

- i. That County-owned community centers, civil centers, clubhouses, adult and senior centers (except for meal pick up), park badminton courts, ballfields, basketball courts, bocce ball courts, handball courts, outdoor exercise equipment, pickle ball courts, playgrounds, racquetball courts, skate plazas, splash pads, squash courts, tennis courts, and volley ball shall be closed to the public. These closures will remain in effect until this Executive Order NW-05 of the Bexar County Judge and the Texas Governor's Executive Order GA-14 are rescinded or expire.
- ii. Beginning at 11:59 PM on Friday, April 10, 2020 that all persons must vacate County parks and all County parks will be closed to the public until 5:00 AM on Monday, April 13, 2020. Park trails, linear parks, and greenways will remain open for walking, running, or biking as long as users consistently follow social distancing.

**b. Private and Public Recreational Areas**

- i. That all public and private recreational areas where social distancing and sanitizing requirements are difficult or impossible to meet, including community, school, apartment, private club and Home Owner Association, badminton courts, ballfields, basketball courts, bocce ball courts, handball courts, outdoor exercise equipment, pickle ball courts, playgrounds, racquetball courts, skate plazas, splash pads, squash courts, tennis courts, and volley ball courts be closed for the duration of this Executive Order.
- ii. Community, school, apartment, private club and Homeowner Association park trails, linear parks and greenways may remain open for walking, running, or biking as long as users consistently follow social distancing.

**c. Golf Courses**

- i. That all golf courses and driving ranges shall remain closed for golf or frisbee play until further notice.
6. That in order to reduce the risk of transmission of COVID 19 among vulnerable populations in long-term care facilities:
  - a. Any individual providing in-person services, or who is otherwise employed or staffs a long-term care facility (e.g. nursing home, or assisted living facility), and has direct patient contact shall be prohibited from working in, or visiting, more than (1) long-term care facility for any purpose as a result of the increased risk for transmission of COVID-19 to an at-risk population. This prohibition is based on the Centers for Disease Control and Prevention (CDC) identifying that staff members working in multiple long-term care facilities can contribute to intra- and interfacility spread of COVID-19. 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 exempted business under the Order/Declaration of either the Texas Governor or the County Judge for Bexar County, but shall only restrict the ingress/egress and movement of persons into or out of more than one nursing home facility. Additionally, long-term care 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, restricting visitation consistent with the Governor's Executive Order, the Mayor's Fifth Declaration and the County Judge's Executive Order, ensuring early recognition of potentially infected patients, and implementing appropriate infection control measures; and
  - b. In accordance with executive order GA 08 of Governor Greg Abbott, people shall not visit nursing homes, retirement homes or long-term care facilities unless to provide critical services.
7. That the Bexar County Justice Center Complex shall have two points of access - one at the Paul Elizondo Tower at the Nueva Street entrance and one at the Bexar County Courthouse Bexar Heritage Center entrance - and that all other county-owned or leased buildings shall have a single controlled point of entrance. Further, all citizens and employees be shall be appropriately screened before entering any Bexar County owned or leased building. At the control

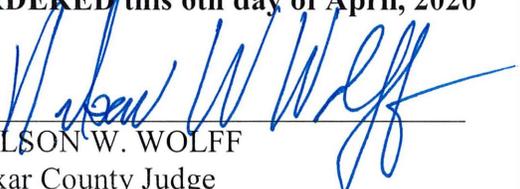
points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department 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.

8. That residents of Bexar County conduct essential Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.
9. That during the pendency of this Executive Order, no person or business entity (“Seller”) shall engage in price gouging by selling any of the following goods or services for more than the regular retail price the Seller charged for the goods or services on March 19, 2020, except where an increased retail price is the result of documented cost increases from suppliers or other similar cost increases (including the loss of supplier funds to support products):
  - 1) Groceries, beverages, toilet articles, ice;
  - 2) Restaurant, cafeteria, and boarding-house meals; or
  - 3) Medicine, pharmaceutical, and medical equipment and supplies.
10. That as of the date of this Executive Order and continuing for the remainder of the period of the joint third amended emergency order of the Supreme Court of Texas in Misc. Docket No. 20-9044 and the Court of Criminal Appeals of Texas in Misc. Docket No. 20-008, all courts within Bexar County restrict non-essential in person proceedings in accordance with this Executive Order and the Declaration of Public Health Emergency of the City of San Antonio. Section 9 of this Executive Order shall hereby be suspended as to this Section 7.
11. That due to the risk of a COVID-19 outbreak in the Bexar County Adult Detention Center:
  - a. I hereby direct that the Bexar County District Attorney’s Office, the Public Defender’s Office, the Office of Criminal Justice Policy, Planning & Programs, the District and County Clerks and the judiciary continue to work diligently together with the Bexar County Sheriff’s Office to identify persons whose charged offenses and backgrounds pose little to no risk to public safety and who may be eligible for pretrial release.

- b. I further direct that those offices and instrumentalities take appropriate action to provide for the immediate release of the individuals so identified in Section 11(a) above in accordance with any applicable law in order to mitigate the grave threat posed by a concentrated outbreak of COVID-19 in the facility.
  - c. Under no circumstances shall this Executive Order be interpreted in a manner as to require or direct the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or any person currently arrested for such a crime that is supported by probable cause in violation of executive order GA 13.
12. That people who are sick should stay at home and not engage in any activity outside of their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19, then the other members of the household should consider themselves positive if they become symptomatic and follow the current policies and procedures in place for isolation and quarantine.
13. 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. Any person who violates this Executive Order may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.
14. 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.

- II. All provisions of the executive orders of Governor Greg Abbott 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.

**ORDERED** this 6th day of April, 2020

  
\_\_\_\_\_  
NELSON W. WOLFF  
Bexar County Judge

## EXHIBIT C

### Public Health Emergency Rules and Regulations

Consistent with the Governors Executive Order GA-1 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 Municipal Court and the Senior's Center** of 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) **residents are highly encouraged to continue to use online services at [www.leonvalleytexas.gov](http://www.leonvalleytexas.gov) for processing of payments, fees and permits; and**
- (iv) the city park restrooms, basketball courts, park fitness equipment, **city pools**, and playground equipment shall remain closed for the duration of this Ordinance; and
- (v) police and fire service responses will continue uninterrupted.

During the effective period of this Ordinance water service for the City of Leon Valley water customers shall not be disconnected for non-payment. This ordinance does not enjoin the San Antonio Water System to do the same. In addition, penalty fees, water discontinuation fees, service fees, photographic traffic control system (red-light camera) late fees, and credit card processing fees incurred for water or municipal court payments made online or by telephone shall be waived during this period this Ordinance is in effect.

During the effective period of this Ordinance, businesses may be allowed no more than two temporary signs advertising Leon Valley businesses which shall be placed within one hundred (100) feet of the establishment or business complex. The permit fee shall be waved for these temporary signs. All temporary signs must comply with the following:

(a) Signs shall not exceed 24" by 32" in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.

(b) A minimum of five-foot (5') spacing must be maintained between each temporary sign of different advertisers.

(c) Signs must be self-supporting and placed into the ground by a single stake or metal portable frame.

(d) No temporary sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made [or] natural feature.

(e) No sign may be placed closer than twenty-five feet (25') from a street intersection or median opening. Any temporary sign determined to be in a location that causes an immediate hazard to public safety will be immediately removed by the city.

(f) Signs shall be no closer than three feet (3') from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.

(g) No signs shall be placed in island medians or esplanades.

(h) No signs shall be placed further than one-hundred feet (100') from the location of the sale of the good, product, service, business complex or business being advertised.