

MAYOR
Marion Bishop

MAYOR PRO-TEM
Larry Sawyer



ALDERMAN
Kara Gilliland
Laura Almond
Wayne DeCesaris
Eugene Long

**REGULAR CALLED MEETING OF THE LLANO CITY COUNCIL
CITY HALL, 301 WEST MAIN STREET, LLANO, TEXAS
5:30 P.M. MONDAY, AUGUST 21, 2023**

AGENDA

This notice is posted pursuant to the Texas Open Meetings Act. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

A. CALL TO ORDER

B. PRESENTATION:

Joah McCaleb-Life Saving Award

C. PUBLIC COMMENTS CONCERNING MATTERS NOT ON THE AGENDA

(Visitors shall be limited to no more than (3) three minutes to address the Council or at the discretion of the mayor) In accordance with Section 551.042 of the Texas Government Code, an inquiry made at a meeting shall be conducted as follows: (a.) If at a meeting of a governmental body, a member of the public or the governmental body inquiries about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to: 1. A statement of specific information given in response to the inquiry; and 2. A recitation of existing policy in response to the inquiry; and (b.) Any deliberation of or a decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

D. CONSENT AGENDA ITEMS

1. Approve the Llano City Council Workshop Minutes from August 7, 2023.
2. Approve the Regular Llano City Council Minutes from August 7, 2023.

E. REGULAR AGENDA ITEMS

1. Discussion and possible action approving Ordinance 1501 regarding declaring Llano, TX a sanctuary city to protect the rights of the unborn.
Wayne DeCesaris, Alderman
2. Discussion and possible action on the proposed property tax rate for Fiscal Year 2023-24.
Kim Wagner, City Secretary
3. Discussion and possible action regarding the water issues in the City of Llano.
Marion Bishop, Mayor

F. FUTURE COUNCIL AGENDA ITEM

No action may take place, but rather, the direction may be given to Staff on future agenda items, or items of concern.

G. ADJOURNMENT

If during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session. Although a quorum of the members of other Boards or Commissions may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General’s Office. In compliance with the Americans with Disabilities Act, the City of Llano will provide reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours before the meetings. Please call 325-247-4158 Ext. 107.

I, Kim Wagner, City Secretary, do hereby certify that a copy of August 21, 2023, Llano City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.CityofLlano.com, in compliance with Chapter 551, Texas Government Code and remained posted continuously for at least seventy-two (72) hours preceding the scheduled time of said Meeting.



Kim Wagner, TRMC City Secretary

8-18-23 3:20 PM
Date, and Time Posted



**WORKSHOP SESSION OF THE LLANO CITY COUNCIL
301 WEST MAIN STREET, LLANO, TEXAS
3:00 P.M. TUESDAY, AUGUST 7, 2023**

Minutes

Alderspersons present: Mayor Marion Bishop, Kara Gilliland, Laura Almond, Larry Sawyer, Wayne DeCesaris

Alderspersons absent: Eugene Long

Officers Present: Marty Mangum, City Manager, and Kimberley Wagner, City Secretary

1. CALL TO ORDER- Mayor Marion Bishop called the meeting to order at 3:00 pm.

2. WORKSHOP AGENDA ITEMS

- a. Discussion regarding the FY 2023-24 City of Llano Budget.
- b. Discussion and possible action regarding the Budget Calendar.

No action was taken.

3. ADJOURNMENT- The City Council Meeting adjourned at 4:12 pm.

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session. Although a quorum of the members of other Boards or Commissions, may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. In compliance with the Americans with Disabilities Act, the City of Llano will provide reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-247-4158 Ext. 107.

I, Kim Wagner, City Secretary, do hereby certify that a copy of August 7, 2023, Llano City Council Workshop agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.CityofLlano.com, in compliance with Chapter 551, Texas Government Code.

Kim Wagner, TRMC, City Secretary

Marion Bishop, Mayor



**REGULAR CALLED MEETING OF THE LLANO CITY COUNCIL
301 WEST MAIN STREET, LLANO, TEXAS
5:30 P.M. MONDAY, AUGUST 7, 2023**

MINUTES

**Alderpersons present: Mayor Marion Bishop, Mayor Pro-tem Larry Sawyer, Kara Gilliland,
Laura Almond, Wayne DeCesaris, and Eugene Long**

Officers present: Marty Mangum, City Manager and City Secretary, Kim Wagner

A. CALL TO ORDER- The City Council meeting was called to order by Mayor Bishop at 5:30 p.m.

B. PRESENTATION:

Heath Humphrey – 20 years

New Employees

**Investigator- Oliver Pennington
Street Department- Robert Warning
Luis Sanchez
Parks Department- Aaron Heep
Cemetery Crewman- Travis Seelye
Electric Department- Trenton Taylor**

C. PUBLIC COMMENTS CONCERNING MATTERS NOT ON THE AGENDA

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Ervin Light, Roberto Chavira, Rhonda Schneider, Timothy Stoker, Jessica McRee Grabert, Mark Dickson, Pat Richards, Danny Meegan, Rev. Bryan Rogers, and John Horner spoke on Llano becoming a Sanctuary City.

D. CONSENT AGENDA ITEMS

1. Approve the Regular Llano City Council Minutes from July 17, 2023.
2. Approve the Llano City Council Workshop Minutes from July 25, 2023.

A motion was made by Alderwoman Almond, with a second by Alderwoman Gilliland to approve the consent agenda items. All in favor, none opposed.

E. PUBLIC HEARING

1. The City Council will hold a public hearing to receive written notice and/or oral comments regarding a rezone of NORTH ADDN SE 1/4 OF BLK 31 from Single Family -3 (SF3) to Single Family -4 (SF-4).
2. The City Council will conduct a public hearing to receive written or hear oral testimony regarding a request for the rezone of NORTH ADDN SW 1/4 OF BLK 31 from Single Family - 3 (SF3) to Single Family -4 (SF-4).

The public hearing opened at 6:16 p.m. and closed at 6:18 p.m.

F. REGULAR AGENDA ITEMS

1. Discussion and possible action approving Ordinance 1500 regarding a request to consider rezoning NORTH ADDN SE 1/4 OF BLK 31.

Kim Wagner, City Secretary

A motion was made by Alderwoman Almond, with a second by Alderman DeCesaris to approve the rezone of North Addn SE ¼ of BLK 31. All in favor, none opposed. Motion carried.

2. Discussion and possible action approving Ordinance 1500 regarding a request to consider rezoning NORTH ADDN SW 1/4 OF BLK 31.

Kim Wagner, City Secretary

A motion was made by Alderman Sawyer, with a second by Alderwoman Almond to approve the rezone of North Addn SW ¼ of BLK 31. All in favor, none opposed. Motion carried.

3. Discussion and possible action regarding waiving the rezoning fee on a lot on W Leon St.

Wayne DeCesaris, Alderman

A motion was made by Alderman DeCesaris, with a second by Alderman Sawyer to approve waiving the rezone fees. Three were in favor, and Alderwoman Almond and Gilliland opposed. Motion carried.

4. Discuss and Take Possible Action on a Proposed Engagement Agreement for Municipal Court Prosecution.

Marty Mangum, City Manager

A motion was made by Alderman Sawyer, with a second by Alderwoman Gilliland to go out for RFQs for the Municipal Court Prosecution. All in favor, none opposed. Motion carried.

5. Discussion and possible action regarding the Leaf Festival having exclusive use of Grenwelge Park from March 20th through March 26th and allowing them to close a portion of East Haynie and Oatman Streets.

Kim Wagner, City Secretary

A motion was made by Alderwoman Almond, with a second by Alderman Sawyer to table the Leaf agenda item. All in favor, none opposed. Motion carried.

6. Discuss and consider the purchase of new equipment.

Josh Becker, Director of Water and Wastewater Operations

A motion was made by Alderwoman Almond, with a second by Alderman Sawyer to purchase new equipment. All in favor, none opposed. Motion carried.

7. Discussion and possible action regarding the July 27, 2023, Contractor meeting at City Hall.

Aldermen Eugene Long, Wayne DeCesaris

No action taken.

G. EXECUTIVE SESSION-CLOSED SESSION

1. City Council will convene into Executive Session in accordance with Texas Government Code Chapter 551.072 for the deliberation regarding the purchase, exchange, lease, or value of the City's own real property.

2. City Council will convene into Executive Session in accordance with the Texas Government Code Section 551.071 to consult with the City Attorney regarding legal matters concerning litigation.

The City Council convened into executive session at 6:22 p.m.

H. EXECUTIVE SESSION-OPEN SESSION

1. City Council will reconvene into Open Session for the discussion and possible action regarding the purchase, exchange, lease, or value of the City's own real property.
2. City Council will reconvene in Open Session for discussion and possible action regarding litigation.

The City Council reconvened into open session at 6:47 p.m. No action was taken.

I. FUTURE COUNCIL AGENDA ITEM

No action may take place, but rather, the direction may be given to Staff on future agenda items, or items of concern.

Alderman DeCesaris suggested bringing up the discussion of Sanctuary City at the September meeting. Mayor Bishop would like to discuss the dams and water issues. Alderwoman Almond would like an update on the STR ordinance, definitions, and policies from Planning and Zoning and discuss the zoning situation that Wayne brought up earlier.

J. ADJOURNMENT The Council Meeting adjourned at 7:12 p.m.

If during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session. Although a quorum of the members of other Boards or Commissions may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. In compliance with the Americans with Disabilities Act, the City of Llano will provide reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours before the meetings. Please call 325-247-4158 Ext. 107.

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Kim Wagner, TRMC City Secretary

Marion Bishop, Mayor



CITY COUNCIL AGENDA

8/21/23

Agenda Item: E1

Item/Subject: Discussion and possible action approving Ordinance 1501 regarding declaring Llano, TX a sanctuary city to protect the rights of the unborn.

Initiating Department/Presenter: Wayne DeCesaris, Alderman

Recommended Motion: TBD

Background/History:

As a result of numerous citizens of the City of Llano and area residents presenting their views on the protection of the rights of the unborn, the City of Llano is considering the adoption of this ordinance.

Findings/Current Activity:

Financial Implications:

There is no financial impact associated with this item.

Item is budgeted: ____ - ____ - ____ **In the amount of \$** _____ **(amount in the budget account)**

Item is not budgeted:

Item is estimated to generate additional revenue:

Associated Information:

- Ordinance 1501

CITY OF LLANO, TEXAS

ORDINANCE NO. 1501

ORDINANCE OUTLAWING ABORTION, DECLARING LLANO A SANCTUARY CITY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF LLANO, TEXAS, THAT:

A. FINDINGS

The City Council finds that:

- (1) Human life begins at conception.
- (2) Abortion is a murderous act of violence that purposefully and knowingly terminates an unborn human life.
- (3) Unborn human beings are entitled to the full and equal protection of the laws that prohibit violence against other human beings.
- (4) Texas men and women are being hurt and traumatized by abortion across our Texas–New Mexico border and sent back to Texas to deal with the aftermath in our homes, schools, universities, churches, women’s organizations, and hospitals.
- (5) In addition to the life-affirming services which are already being provided by organizations throughout our area, the Texas Alternatives to Abortion program is in place, which promotes childbirth and provides support services to pregnant mothers and their families, adoptive parents, and parents whose lives have been affected by miscarriage or loss of a child. The services provided as a part of the Alternatives to Abortion program include: counseling, mentoring, educational information and resources including classes on pregnancy, parenting, adoption, life skills and employment preparedness; material assistance covering basic needs, such as car seats, clothing, diapers, and formula; care coordination help through referrals to government assistance programs and other social services programs; call center for information and appointment scheduling; and housing and support services through maternity homes. The program is available to any Texas resident who is a United States citizen or legal immigrant and is: the biological mother or father of an unborn child, the biological mother or father of a child, for up to three years postpartum; the parent, legal guardian, or adult caregiver of a minor who is a program client; a parent who has experienced miscarriage or loss of a child; or an adoptive parent of a child of any age, for up to two years after adoption finalization. These services can be found at the *Texas Pregnancy Care Network* website at www.texaspregnancy.org.
- (6) The Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization*,

No. 19-1392, correctly overruled the Court’s lawless and unconstitutional pronouncements in *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992), which had invented and perpetuated a supposed constitutional right to abortion that cannot be found anywhere in the language of the Constitution;

(7) The ruling in *Dobbs* restores the prerogatives of state and local governments to regulate and prohibit abortion as they see fit;

(8) Federal law imposes felony criminal liability on every person who ships or receives abortion pills or abortion-related paraphernalia in interstate or foreign commerce, *see* 18 U.S.C. §§ 1461–62, and all such acts are predicate offenses under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), *see* 18 U.S.C. § 1961;

(9) The members of the city council are bound by oath to support and defend the Constitution of the United States, and the statutory provisions codified at 18 U.S.C. §§ 1461–62 are the “supreme Law of the Land” under Article VI of the Constitution and must be obeyed and respected by every person within the city of Llano. *See* U.S. Const. art. VI (“[T]he Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”).

(10) To protect the health and welfare of all residents within the city of Llano, including the unborn, and to ensure the federal prohibitions on the shipment of abortion pills and abortion-related paraphernalia are obeyed, the city council finds it necessary to outlaw abortion within the city of Llano. *See* Tex. Local Gov’t Code §§ 54.001(b)(1); Tex. Gov’t Code § 311.036(b).

B. DECLARATIONS

(1) We declare Llano to be a Sanctuary City for the Unborn.

(2) We declare that abortion at all times and at all stages of pregnancy is an unlawful act, unless the abortion is performed to save the life of the pregnant woman in a medical emergency.

(3) We call upon every United States Attorney in the state of Texas, both present and future, to investigate and prosecute abortion providers and abortion-pill distribution networks under 18 U.S.C. §§ 1461–62 and the Racketeer Influenced and Corrupt Organizations Act (RICO);

(4) We encourage all victims of abortion providers and abortion-pill distribution networks, including the mothers, fathers, and surviving relatives of aborted unborn children, to sue these racketeering enterprises under civil RICO.

(5) We call upon district attorneys throughout the state of Texas to investigate and prosecute all Texas abortion funds and their donors that have aided or abetted abortions in Texas in violation of article 4512.2 of the Revised Civil Statutes, which

imposes felony criminal liability on any person who “furnishes the means for procuring an abortion knowing the purpose intended.”

C. PROVISIONS

SECTION 1: DEFINITIONS

For the purposes of this chapter, the following terms are hereby defined:

(1) “Abortion” means the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of an unborn child. The term does not include:

(A) In vitro fertilization or fertility treatments of any type;

(B) The use, prescription, administration, procuring, or selling of Plan B, morning-after pills, intrauterine devices, or any other type of contraception or emergency contraception; or

(C) An act performed with the purpose to:

(i) Save the life or preserve the health of the unborn child;

(ii) Remove a dead unborn child caused by spontaneous abortion; or

(iii) Remove an ectopic pregnancy, the implantation of a fertilized egg or embryo outside of the uterus.

(2) “Abortion-inducing drugs” includes mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include:

(A) Plan B, morning-after pills, intrauterine devices, or any other type of contraception or emergency contraception; or

(B) Drugs or medications that are possessed or distributed for a purpose that does not include the termination of a pregnancy, such as misoprostol that is possessed or distributed for the purpose of treating stomach ulcers.

(3) “Abortion doula services” include acts that aid or abet abortions by providing informational, logistical, emotional, or physical support that would make someone an accomplice to abortion under the principles of complicity set forth in section 7.02 of the Texas Penal Code. The term does not include:

(A) The provision of truthful information regarding the availability of abortion services that are legally permitted under the law of the jurisdiction in which they offered; or

(B) The provision of emotional support to a woman who has completed an abortion.

(4) “Abortion fund” means a corporation, organization, government or governmental

subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity that exists for the purpose of aiding or abetting elective abortions, and that pays for, reimburses, or subsidizes in any way the costs associated with obtaining an elective abortion.

(5) “Abortion provider” means a person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity that performs elective abortions.

(6) “Affiliate” means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

(A) common ownership, management, or control between the parties to the relationship;

(B) a franchise granted by the person or entity to the affiliate; or

(C) the granting or extension of a license or other agreement authorizing the affiliate to use the other person’s or entity’s brand name, trademark, service mark, or other registered identification mark.

(7) “Conduct that aids or abets an elective abortion” includes but is not limited to, the following acts:

(A) Providing transportation to or from an abortion provider;

(B) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion or self-managed abortion or the means of obtaining elective abortions, regardless of where the person giving the instructions is located;

(C) Creating, editing, uploading, publishing, hosting, maintaining, or registering a domain name for a website, platform, or other interactive computer service that assists or facilitates efforts to obtain elective abortions;

(D) Creating, editing, programming, or distributing any application or software for use on a computer or electronic device that is intended to enable individuals to obtain elective abortions or to facilitate access to such abortions;

(E) Offering or providing money, digital currency, or other resources with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion, including any type of donation to an abortion provider or abortion fund that performs or aids or abets abortions;

(F) Offering, providing, or lending money, digital currency, resources, or any other thing of value to an abortion provider, an abortion fund, or an affiliate of an abortion provider or abortion fund;

(G) Performing or providing any type of work or services for an abortion

provider or abortion fund, regardless of whether such work or services is done on a paid, contract, or volunteer basis;

(H) Paying, offering to pay, or providing insurance that covers the legal expenses or court judgments or settlements of those who perform or assist elective abortions;

(I) Providing or arranging for insurance coverage of an elective abortion;

(J) Offering or providing “abortion doula” services for an elective abortion;

(K) Providing referrals to an abortion provider for a woman seeking an elective abortion;

(L) Coercing or pressuring a pregnant woman to have an abortion against her will; and

(M) Engaging in any conduct that would make one an accomplice to an elective abortion under the principles of complicity set forth in section 7.02 of the Texas Penal Code.

(8) “Elective abortion” means any abortion that is not performed or induced in response to a medical emergency.

(9) “Fertilization” means the fusion of a human spermatozoon with a human ovum.

(10) “Governmental entity” means this state, a state agency in the executive, judicial, or legislative branch of state government, or a political subdivision of this state.

(11) “Human being” means an individual member of the species *Homo sapiens* at any stage of development beginning at fertilization;

(12) “Interactive computer service” means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(13) “Medical emergency” means a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(14) “Unborn child” means an individual organism of the species *Homo sapiens* in any stage of gestation from fertilization until live birth;

(15) “Woman” and “women” include (but are not limited to) any person whose biological sex is female, including any person with XX chromosomes and any person with a uterus, regardless of any gender identity that the person attempts to assert or claim.

SECTION 2: ABORTION PROHIBITED WITHIN CITY LIMITS

(a) It shall be unlawful for any person to procure or perform an elective abortion of any type and at any stage of pregnancy in the city of Llano, Texas. The prohibition in this section extends to drug-induced abortions in which any portion of the drug regimen is ingested in the city of Llano, Texas, and it applies regardless of where the person who performs or procures the abortion is located.

(b) It shall be unlawful for any person to knowingly engage in conduct that aids or abets an elective abortion described in subsection (a).

(c) No provision of this section may be construed to prohibit any conduct protected by the First Amendment of the U.S. Constitution, as made applicable to state and local governments through the Supreme Court's interpretation of the Fourteenth Amendment, or by article 1, section 8 of the Texas Constitution.

(d) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(e) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

SECTION 3: ABORTIONS PERFORMED ON LLANO RESIDENTS

(a) It is the policy of the city of Llano to protect its unborn residents from individuals and organizations that aid or abet the killing of unborn children, and to protect the unborn from those who seek to kill or otherwise harm them, to the maximum extent permissible under state and federal law. The prohibitions in this section and chapter shall apply extraterritorially to the maximum extent permitted by the Constitution of the United States and the Texas Constitution.

(b) Except as provided by Subsection (c), it shall be unlawful for any person to knowingly engage in conduct that aids or abets an elective abortion performed on a resident of Llano, Texas, or to attempt to engage in conduct that aids or abets an elective abortion performed on a resident of Llano, Texas, regardless of where the abortion is or will be performed.

(c) Notwithstanding any other law, subsection (b) does not prohibit:

(1) abortions performed or induced in response to a medical emergency, or any conduct that aids or abets or attempts to aid or abet such abortions;

(2) speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by article 1, section 8 of the Texas Constitution;

(3) conduct that the city of Llano is forbidden to regulate under federal or state law;

(4) conduct taken by a pregnant woman who aborts or seeks to abort her unborn child;

(5) The provision of basic public services, including fire and police protection and utilities, by a governmental entity or a common carrier to an abortion provider, an abortion fund, or an affiliate of an abortion provider or abortion fund in the same manner as the entity provides those services to the general public; and

(6) conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.

(d) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

SECTION 4: ABORTION-INDUCING DRUGS PROHIBITED

(a) Except as provided by subsection (b), it shall be unlawful for any person to:

(1) Manufacture, possess, or distribute abortion-inducing drugs in Llano;

(2) Mail, transport, deliver, or provide abortion-inducing drugs in any manner to or from any person or location in Llano;

(3) Engage in any conduct that would make one an accomplice to the conduct described in subsections (a)(1) and (a)(2) under the principles of complicity set forth in section 7.02 of the Texas Penal Code.

(b) Notwithstanding any other law, subsection (a) does not prohibit:

(1) speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by article 1, section 8 of the Texas Constitution;

(2) conduct that the city of Llano is forbidden to regulate under federal or state law;

(3) conduct taken by a pregnant woman who aborts or seeks to abort her unborn child;

(4) the possession, distribution, mailing, transporting, delivery, or provision of abortion-inducing drugs for a purpose that does not include termination of a pregnancy;

(5) the possession of abortion-inducing drugs resulting from an effort to entrap individuals or entities that violate this section; and

(6) conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.

(c) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

SECTION 5: PROHIBITED ABORTION TRAFFICKING

(a) Except as provided by subsection (c), it shall be unlawful for any person to knowingly transport any individual for the purpose of providing or obtaining an elective abortion, regardless of where the elective abortion will occur. This section shall apply only if the transportation of such individual begins, ends, or passes through the city of Llano.

(b) It shall be unlawful for any person to knowingly aid or abet the conduct described in subsection (a). The prohibition in this section includes, but is not limited to, the following acts:

(1) Offering, providing, or lending money, digital currency, or other resources with the knowledge that it will be used to pay for, offset, or reimburse the

costs of transportation prohibited by subsection (a); and

(2) Engaging in any conduct that would make one an accomplice to a violation of subsection (a) under the principles of complicity set forth in section 7.02 of the Texas Penal Code.

(c) Notwithstanding any other provision of law, this section shall not apply to:

(1) speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the Supreme Court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution;

(2) conduct that the City of Llano is forbidden to regulate under federal or state law;

(3) conduct taken by a pregnant woman who aborts or seeks to abort her unborn child, or who travels for the purpose of aborting her unborn child; and

(4) conduct taken at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that conduct would violate the doctrines of preemption or intergovernmental immunity.

(d) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

(e) Under no circumstance may any penalty or punishment be imposed on the individual who is transported or attempted to be transported in violation of subsection (a).

SECTION 6: PAYMENTS FOR ELECTIVE ABORTIONS PROHIBITED

(a) It shall be unlawful for any person within the jurisdiction of Llano to knowingly pay for or reimburse the costs associated with obtaining an elective abortion performed on another person. The prohibition applies regardless of:

(1) The person upon whom the elective abortion is performed;

(2) The location of the elective abortion;

(3) The law of the jurisdiction in which the elective abortion occurs; and

(4) Whether the payments or reimbursements are provided directly or

laundered through an intermediary, such as an abortion fund.

(b) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

(c) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty or civil liability under this section.

SECTION 7: DISPOSAL OF THE REMAINS OF AN UNBORN CHILD

(a) It shall be unlawful for any person to transport the remains of an unborn child who was killed by an elective abortion from any abortion provider into the city of Llano, or to dispose of such remains in the city of Llano.

(b) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

(c) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty or civil liability under this section.

SECTION 8: PROHIBITED CRIMINAL ORGANIZATIONS

(a) The following entities are declared to be criminal organizations:

(1) Any organization that violates 18 U.S.C. § 1461 by using the mails for the mailing, carriage in the mails, or delivery of:

(A) Any article or thing designed, adapted, or intended for producing abortion; or

(B) Any article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use

or apply it for producing abortion;

(2) Any organization that violates 18 U.S.C. § 1462 by:

(A) Using any express company or other common carrier or interactive computer service for carriage in interstate or foreign commerce of any drug, medicine, article, or thing designed, adapted, or intended for producing abortion;

(B) Knowingly taking or receiving, from such express company or other common carrier or interactive computer service, any matter or thing described in subsection (a)(2)(A).

(3) Any organization that violates the enacted abortion statutes of any state or local jurisdiction, regardless of whether the statutes or the enforcement of those statutes have been enjoined or declared unconstitutional by a court; and

(4) Any affiliate of an organization described in Subparagraphs (1) or (2).

(b) It shall be unlawful for any criminal organization described in subsection (a) to operate or do business in the city of Llano.

(c) Notwithstanding any other law, the requirements of this section shall be enforced exclusively through the private civil actions described in Section 9. No direct or indirect enforcement of this section may be taken or threatened by the city of Llano, or by any officer or employee of this city, by any means whatsoever, and no violation of this section may be used to justify or trigger the enforcement of any other law or any type of adverse consequence under any other law, except as provided in Section 9. This section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by such other law or regulation, and that would remain prohibited by such other law or regulation in the absence of this section.

(d) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty or civil liability under this section.

SECTION 9: PRIVATE RIGHT OF ACTION

(a) Any person, other than the city of Llano, and any officer or employee of the city, has standing to bring and may bring a civil action against any person or entity that:

(1) violates any provision of Sections 2, 3, 4, 5, 6, 7, or 8; or

(2) intends to violate any provision of Sections 2, 3, 4, 5, 6, 7, or 8,

PROVIDED, that no lawsuit may be brought under this section against a provider or user of an interactive computer service if such a lawsuit would be preempted by 47 U.S.C. § 230(c).

(b) If a claimant prevails in an action brought under this section, the court shall award:

(1) injunctive relief sufficient to prevent the defendant from violating Sections 2, 3, 4, 5, 6, 7, or 8;

(2) nominal and compensatory damages if the plaintiff has suffered injury or harm from the defendant's conduct, including but not limited to loss of consortium and emotional distress;

(3) statutory damages in an amount of not less than \$10,000 for each violation of Sections 2, 3, 4, 5, 6, 7, or 8; and

(4) costs and attorney's fees.

(c) Notwithstanding Subsection (b), a court may not award relief under Subsection (b)(3) or (b)(4) in response to a violation of Subsection (a)(1) if the defendant demonstrates that a court has already ordered the defendant to pay the full amount of statutory damages under Subsection (b)(3) in another action for that particular violation of Sections 2, 3, 4, 5, 6, 7, or 8.

(d) Notwithstanding any other law, a person may bring an action under this section not later than the sixth anniversary of the date the cause of action accrues.

(e) Notwithstanding any other law, the following are not a defense to an action brought under this section:

(1) ignorance or mistake of law;

(2) a defendant's belief that the requirements or provisions of this ordinance are unconstitutional or were unconstitutional;

(3) a defendant's reliance on any court decision that has been vacated, reversed, or overruled on appeal or by a subsequent court, even if that court decision had not been vacated, reversed, or overruled when the cause of action accrued;

(4) a defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;

(5) a defendant's reliance on any federal statute, agency rule or action, or treaty that has been repealed, superseded, or declared invalid or unconstitutional, even if that federal statute, agency rule or action, or treaty had not been repealed, superseded, or declared invalid or unconstitutional when the cause of action accrued;

(6) non-mutual issue preclusion or non-mutual claim preclusion;

(7) the consent of the plaintiff or the unborn child's mother to the abortion;

(8) contributory or comparative negligence;

(9) assumption of risk; and

(10) any claim that the enforcement of this chapter or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by Section 10.

(f) It is an affirmative defense if a person sued under this section:

(1) was unaware that it was engaged in conduct described in Sections 2, 3, 4, 5, 6, 7, or 8; and

(2) took every reasonable precaution to ensure that it would not violate Sections 2, 3, 4, 5, 6, 7, or 8.

The defendant has the burden of proving an affirmative defense under this Subsection by a preponderance of the evidence.

(g) This section may not be construed to impose liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment of the United States Constitution, or by article 1, section 8 of the Texas Constitution.

(h) Notwithstanding any other law, neither the city of Llano, nor any officer or employee of the city of Llano may:

(1) act in concert or participation with anyone who brings suit under this section;

(2) establish or attempt to establish any type of agency or fiduciary relationship with a person who brings suit under this section;

(3) make any attempt to control or influence a person's decision to bring suit under this section or that person's conduct of the litigation; or

(4) intervene in any action brought under this section.

This subsection does not prohibit a person or entity described by this subsection from filing an amicus curiae brief in the action, so long as that person or entity does not act in concert or participation with the plaintiff or plaintiffs who sue under this section or violate any provision of Subsection (h)(1)–(4).

(i) Notwithstanding any other law, a court may not award costs or attorneys' fees to a litigant who is sued under this section.

(j) Notwithstanding any other law, a civil action under this section may not be brought:

(1) against the woman upon whom the abortion was performed or induced or

attempted to be performed or induced in violation of this ordinance, or against a pregnant woman who intends or seeks to abort her unborn child in violation of this ordinance;

(2) against any person or entity that performs, aids or abets, or attempts or intends to perform or aid or abet an abortion at the behest of federal agencies, contractors, or employees that are carrying out duties under federal law, if a prohibition on that abortion would violate the doctrines of preemption or intergovernmental immunity;

(3) against any common carrier that transports a pregnant woman to an abortion provider, if the common carrier is unaware that the woman intends to abort her unborn child; or

(4) by any person who impregnated a woman seeking an abortion through an act of rape, sexual assault, or incest, or by anyone who acts in concert or participation with such a person.

(k) Notwithstanding any other law, a civil action under this section may be brought only in the district courts of the state of Texas and may not be considered by any municipal or county court.

SECTION 10: AFFIRMATIVE DEFENSES

(a) A defendant against whom an action is brought under Section 9 may assert an affirmative defense to liability under this section if:

(1) the imposition of civil liability on the defendant will violate constitutional or federally protected rights that belong to the defendant personally; or

(2) the defendant

(A) has standing to assert the rights of a third party under the tests for third-party standing established by the Supreme Court of the United States; and

(B) demonstrates that the imposition of civil liability on the defendant will violate constitutional or federally protected rights belonging to that third party.

The defendant shall bear the burden of proving the affirmative defense in Subsection (a) by a preponderance of the evidence.

(b) Nothing in this section or chapter shall limit or preclude a defendant from asserting the unconstitutionality of any provision or application of this chapter as a defense to liability under, or from asserting any other defense that might be available under any other source of law.

(c) Notwithstanding any other law, no court may apply the law of another state or jurisdiction to any civil action brought under Section 9 unless article VI of the

Constitution of the United States or the constitution or laws of the State of Texas compels it to do so.

SECTION 11: SEVERABILITY

(a) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the Supreme Court of the United States held that an explicit statement of legislative intent is controlling, it is the intent of the city that every provision, section, subsection, sentence, clause, phrase, or word in this chapter, and every application of the provisions in this chapter to every person, group of persons, or circumstances, are severable from each other.

(b) If any application of any provision in this chapter to any person, group of persons, or circumstances is found by a court to be invalid, preempted, or unconstitutional, for any reason whatsoever, then the remaining applications of that provision to all other persons and circumstances shall be severed and preserved, and shall remain in effect. All constitutionally valid applications of the provisions in this chapter shall be severed from any applications that a court finds to be invalid, preempted, unconstitutional, because it is the city's intent and priority that every single valid application of every provision in this chapter be allowed to stand alone.

(c) The city further declares that it would have enacted this chapter, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of the provisions of this chapter, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this chapter were to be declared invalid, preempted, or unconstitutional.

(d) If any provision of this chapter is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force, consistent with the severability requirements of Subsections (a), (b), and (c).

(e) No court may decline to enforce the severability requirements of Subsections (a), (b), (c), and (d) on the ground that severance would "rewrite" the ordinance or involve the court in legislative or lawmaking activity. A court that declines to enforce or enjoins a state or city official from enforcing a statute or ordinance is never rewriting a statute or engaging in legislative or lawmaking activity, as the statute or ordinance continues to contain the same words as before the court's decision. A judicial injunction or declaration of unconstitutionality:

(1) is nothing more than an edict prohibiting enforcement that may subsequently be vacated by a later court if that court has a different understanding of the law;

(2) is not a formal amendment of the language in a statute or ordinance; and

(3) no more rewrites a statute or ordinance than a decision by the executive not to enforce a duly enacted statute or ordinance in a limited and defined set of circumstances.

(f) If any state or federal court disregards any of the severability requirements in Subsections (a), (b), (c), (d), or (e), and declares or finds any provision of this chapter facially invalid, preempted, or unconstitutional, when there are discrete applications of that provision which can be enforced against a person, group of persons, or circumstances without violating federal or state law, then that provision shall be interpreted, as a matter of city law, as if the city had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate federal or state law, and every court shall adopt this saving construction of that provision until the court ruling that pronounced the provision facially invalid, preempted, or unconstitutional is vacated or overruled.

D. EFFECTIVE DATE

This ordinance shall go into immediate effect upon a majority vote within the city of Llano city council meeting.

PASSED, ADOPTED, SIGNED and APPROVED,

Mayor of the City of Llano, Texas

City Secretary of the City of Llano, Texas

FURTHER ATTESTED BY "WE THE PEOPLE", THE CITIZENS AND
WITNESSES TO THIS PROCLAMATION, THIS _____ DAY OF _____,
THE YEAR OF OUR LORD _____.

WITNESS: _____

WITNESS: _____



CITY COUNCIL AGENDA

8/21/23

Agenda Item: E2

Item/Subject: Discussion and possible action on the proposed property tax rate for Fiscal Year 2023-24.

Initiating Department/Presenter: Cara Hewitt, Finance Director

Recommended Motion: "I move to propose the property tax rate of \$0.52800 per \$100 of taxable valuation for the fiscal year 2023-24"

Background/History: The proposed draft rate assumes an M&O rate of \$0.35705/\$100 to support the General Fund and an I&S rate of \$0.17095/\$100 to contribute to the Debt Service Fund for a total tax rate of \$0.52800/\$100. This tax rate is based on estimated property valuations provided by Llano County as of 7/25/2023 totaling \$227,454,710. Certified property valuations are required to be provided to municipalities by August 7th.

Findings/Current Activity: Staff recommends that Council set the proposed rate of \$0.52800/\$100 for Fiscal Year 2023-24. This rate will be published and will require a public hearing before the tax rate can officially be set in September.

Financial Implications:

Associated Information:

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