

CITY OF TEXAS CITY
SPECIAL CALLED CITY COMMISSION MEETING

AGENDA

TUESDAY, MARCH 24, 2020 - 5:00PM

KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE:

Due to the COVID 19 Disaster and the CDC's recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting. Texas Governor Greg Abbott waived on a temporary basis certain sections of the Texas Open Meetings Act. The meeting will be audible to members of the public and allow for two-way communications for those desiring to participate.

Any person interested in speaking on any item on the Agenda must call in the number below and sign in to the conference then wait for the Mayor to request any public comments. Public comments may not apply to all items on the agenda.

After the meeting, a recording of this meeting will be made available to the public.

To view the presentation join the meeting from your computer, tablet or smartphone please visit <https://www.gotomeet.me/texascitytx>

For audio only, to give public comment, in the event that the presentation is unavailable, or your computer or device does not provide for audio or a microphone, please join the conference call:

To dial in from any phone:

Phone Number: 1 (888) 585-9008

Conference ID: 424-163-805

- (1) ROLL CALL
- (2) INVOCATION
- (3) REGULAR ITEMS
 - (a) Consider and take action on Resolution No. 20-021, extend the Mayor's Declaration of Local Disaster Related to Covid-19, signed on Wednesday, March 18, 2020. (Emergency Management)
 - (b) Consider and take action on Resolution No. 20-022, to move the May 2, 2020, City's General Election. (City Secretary)
- (4) PUBLIC COMMENTS
- (5) MAYOR AND COMMISSIONER'S COMMENTS

(6) ADJOURNMENT

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

I CERTIFY THAT THE ABOVE NOTICE OF THE MEETING WAS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, LOCATED AT 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AND ON THE CITY'S WEBSITE, ON MARCH 20, 2020 PRIOR TO 5:00 P.M.

NICHOLAS J. FINAN
CITY SECRETARY

AI-5506

(3) (a)

CITY COMMISSION SPECIAL CALLED MTG

Meeting Date: 03/24/2020

Submitted By: Rhomari Jackson, City Secretary

Department: City Secretary

Information

ACTION REQUEST (Brief Summary)

Consider and take action on Resolution No. 20-021, extending the Declaration of Disaster. (Emergency Management)

BACKGROUND

Due to the Covid-19 situation, the Mayor signed the Declaration of Disaster of Local Disaster Related to Covid-19 on March 18, 2020. This puts the City in a position of obtaining State and Federal Assistance if any becomes available in the future and the City should need the assistance. It, also, allows for exemptions and quick action on behalf of the City if it is needed. It is required to be extended if the emergency goes beyond 7 days, which this has and is expected to go through the spring and possibly the summer. The extension is only for 30 days (the most allowed by law), and the situation will be monitored and if necessary can be renewed for 30 day intervals in the future.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Res 20-021

RESOLUTION 20-021

**A RESOLUTION CONTINUING THE DECLARATION OF LOCAL
STATE OF DISASTER FOR THE CITY OF TEXAS CITY, TEXAS**

WHEREAS, the City of Texas City on March 18, 2020, took extraordinary measures resulting from Covid-19.

WHEREAS, the Mayor of Texas City and City Commission has determined that these extraordinary measures must be taken to protect the citizens of Texas City,

WHEREAS, the City Commission of Texas City has determined the need to extend the original declaration for thirty (30) additional days.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: The City Commission of the City of Texas City, Texas pursuant to Texas Government Code Section 418.108(b) hereby consents to continuing the declaration of local state of disaster for the City of Texas City, Texas.

SECTION 2: The declaration of local state of disaster for the City of Texas City, Texas, resulting from Covid-19 is therefore continued;

SECTION 3: This declaration continuing a local state of disaster shall be effective for thirty (30) days on and from its date of issuance, provided however that this declaration may be terminated before the expiration of thirty days by subsequent order of the Mayor, and may be continued or renewed beyond thirty days from its date of issuance only with the consent of the City Commission of the City of Texas City, Texas;

SECTION 4: This declaration continues the activation of the City's Emergency Management Plan;

SECTION 5: This declaration continues the activation of the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration:

SECTION 6: This declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary; and;

SECTION 7: That this declaration shall take effect immediately from and after its issuance.

PASSED AND ADOPTED this 24th day of March 2020.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Kyle L. Dickson
City Attorney

AI-5507

(3) (b)

CITY COMMISSION SPECIAL CALLED MTG

Meeting Date: 03/24/2020

Submitted By: Justin Herter, City Attorney Office

Department: City Attorney Office

Information

ACTION REQUEST (Brief Summary)

Consider and take action to postpone May 2, City's General Election.

BACKGROUND

The Governor has granted and is encouraging local entities to move their May 2, 2020, elections to Nov. 3, 2020. The COVID-19 virus is still a threat and State Emergency Law is limiting gatherings of less than 10 people. It will be difficult to host the election with early voting starting April 20 and keep to less than 10 people when 4 or 5 people will be those election judges and clerks. Plus there is the risk of spread of the virus even under the 10 people rule. In addition, the County, our contract agent performing the election for the City said it will not place its election judges in harms way and said it will not host the election. The City would have to conduct the election by itself and start from the beginning in a number of actions such as making and printing ballots on special paper that it would have to order, same for envelopes, obtain an outside vendor to perform the IT portion of the voting machines as well as do programming the ballots, and prepare final results. Training of election judges and clerks would have to be performed as well as take over the mail in ballots and switch the location for where the requests would go.

Unfortunately, while some are saying the COVID-19 virus threat should end as early as June and some are predicting no later than August, the Governor only allows for the election to be moved to Nov. 3, 2020. Cities do not have a choice. However, if an earlier date should come available in the near future, City Commission can consider it at that time.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Resolution

RESOLUTION NO. 20-022

A RESOLUTION MOVING THE TEXAS CITY MAY 2, 2020, GENERAL ELECTION; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Governor Greg Abbott, Governor of Texas, Proclaimed on Wednesday, March 18, 2020 and stated, “by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation;” and

WHEREAS, Governor Abbot may subsequently authorize another acceptable date and the City of Texas City may follow the requirements to authorize an earlier date than November 3, 2020 and call a General Election for 2020; and

WHEREAS, the Proclamation further stated, “The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation;” and

WHEREAS, the Proclamation also stated, “Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution;” and

WHEREAS, The City Commission of the City of Texas City, acknowledged that the Governor of Texas on March 13, 2020, certified that the novel coronavirus (COVID- 19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, on March 18, 2020, the Mayor Texas City, by the Powers invested in him by the City Charter of Texas City and the State of Texas, signed a Declaration of Disaster of a Local State of Disaster Related to the Emergence of Corona Virus/COVID-19; and

WHEREAS, on March 24, 2020, the City Commission extended that Declaration by 30 days; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission moves the May 2, 2020, City General Election to November 3, 2020, Uniform Election date or other authorized date as established by the Governor through an Executive Order or Proclamation.

SECTION 2: That the City Commission confirms that the candidate filings for the election will remain valid for the election held on the November date and that the filing period will not be re-opened for the November election date or other authorized date as established by the Governor through an Executive Order or Proclamation.

SECTION 3: That the City Commission confirms that all Early Voting by Mail (ABBMs) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.

SECTION 4: That the City Commission maintains the major relevant dates for the November election, including the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 – October 30, 2020) or other dates as required by the Governor or Secretary of State to hold another authorized date as established by the Governor through an Executive Order or Proclamation.

PASSED AND ADOPTED this 24th day of March 2020.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Nicholas J. Finan
City Secretary

Kyle L. Dickson
City Attorney