

AGENDA
Irving City Council Special Meeting
Tuesday, March 31, 2020 at 1:00 PM
City Hall, First Floor, Council Chambers
825 West Irving Boulevard, Irving, TX 75060

Members of the City Council and public may participate in the Special Meeting by telephone conference or videoconference call. Sign-in via telephone or online will be from 12:00 p.m. to 1:00 p.m. on March 31, 2020. All participants by telephone conference or videoconference will be able to speak when called upon, however video images of the citizen participants will not be available. The phone numbers to sign-in and participate are **1-888-475-4499** (Toll Free) or **1-877-853-5257** (Toll Free) or online at **<https://zoom.us/j/110401125>** Meeting ID: 110 401 125.

INDIVIDUAL CONSIDERATION

- 1 Ordinance -- Postponing the Regular Municipal Election for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5), and the Special Bond Election from May 2, 2020 to November 3, 2020 or an Earlier Date Authorized by Proclamation of the Governor

DISCUSSION

- 2 Citizen Comments on Items Listed on the Agenda
- 3 COVID-19 Update and City Response

EXECUTIVE SESSION

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the Kiosk at the City Hall of the City of Irving, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Friday, March 27, 2020 at 5:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

Shanae Jennings, City Secretary

Date Notice Removed

This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

A member of the public may address the City Council regarding an item on the agenda either before or during the Council's consideration of the item, upon being recognized by the presiding officer or the consent of the Council.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.

AGENDA ITEM SUMMARY

Meeting: 3/31/2020
Recommending Department: City Secretary's Office

DOC ID: 10917
LSR No:

Ordinance -- Postponing the Regular Municipal Election for the Purpose of Electing the Position of Mayor and City Council Places Three (3) and Five (5), and the Special Bond Election from May 2, 2020 to November 3, 2020 or an Earlier Date Authorized by Proclamation of the Governor

Administrative Comments

1. This item is recommended by the City Secretary's Office.
2. **Impact:** Due to the COVID-19 pandemic, the Governor issued a proclamation on March 18, 2020 allowing political subdivisions that would otherwise hold a May 2, 2020 election, to move their elections to November 3, 2020 in the interest of the health and safety of the residents of the City of Irving.
3. The Dallas County Elections Administrator has recommended all entities to move their May 2, 2020 elections as the Dallas County Elections Department will not be able to run the May election due to most of the polling locations being closed for the foreseeable future.
4. The Secretary of State's Office has confirmed that the current candidate filings will remain valid for the election to be held on the November date and the filing period will not be re-opened.

Recommendation

The ordinance be adopted.

ADDITIONAL COMMENTS:

Contract Required: No
Previous Action: Ord. 2020-10300
Ord. 2020-10314

Review Completed By:
Council Action: Calling Regular Election
Calling Special Bond Election

ATTACHMENTS:

- Exhibit A 3-26-2020 (DOCX)

CURRENT YEAR FINANCIAL IMPACT:

NA

REVISION INFORMATION:

Prepared: 3/19/2020 02:40 PM by Jennifer Phillips
Last Updated: 3/27/2020 12:15 PM by Jennifer Phillips

ORDINANCE NO. (ID # 10917)

AN ORDINANCE OF THE CITY OF IRVING POSTPONING THE REGULAR MUNICIPAL ELECTION FOR THE PURPOSE OF ELECTING THE POSITION OF MAYOR AND CITY COUNCIL PLACES THREE (3) AND FIVE (5), AND THE SPECIAL BOND ELECTION FROM MAY 2, 2020 TO NOVEMBER 3, 2020 OR AN EARLIER DATE AUTHORIZED BY PROCLAMATION OF THE GOVERNOR; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, on January 16, 2020, the Irving City Council called a Regular Municipal Election to be held on Saturday, May 2, 2020 for the purpose of electing the position of Mayor and City Council Places 3 and 5; and

WHEREAS, on February 13, 2020, the Irving City Council called a Special Bond Election to be held on Saturday, May 2, 2020 with 12 propositions to be submitted for voters' consideration; and

WHEREAS, on March 13, 2020, the Governor declared a state of emergency in Texas in response to the COVID-19 (Coronavirus) pandemic; and

WHEREAS, on March 18, 2020, the Governor issued a proclamation, attached hereto as Exhibit "A," that suspended Section 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 dates, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending 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; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has advised that the candidate filings for the election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 2020 election date; and

WHEREAS, the Elections Division of the Texas Secretary of State's Office, pursuant to Election Advisory 2020-12, has further advised that all Applications for Ballot by Mail (ABBM) 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 elections, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election; and

WHEREAS, the major relevant dates for the November election include: the voter registration deadline is October 5, 2020; the deadline to submit ABBMs is October 23, 2020; and early voting will be from October 19, 2020 through October 30, 2020; and

WHEREAS, the Dallas County Elections Department has requested that entities within the County postpone their elections to November 3, 2020;

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

SECTION 1. That the City Council hereby postpones the Regular Municipal Election and the Special Bond Election originally scheduled for May 2, 2020 to November 3, 2020 pursuant to the March 18, 2020 proclamation from the Governor; or to an earlier date authorized by the Governor or applicable law.

SECTION 2. Should the Governor provide another election date available for political subdivisions to hold election before November 3, 2020, the City Secretary shall inform the City Council and the City Council may consider such date.

SECTION 3. That the City Council hereby confirms that the candidate filings for the Regular Municipal Election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 3, 2020 election date. The City council further confirms that all 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 elections, and that ABBMs for voters who submitted ABBMs based on expected absence from the country would not be valid for the postponed elections.

SECTION 4. That the major relevant dates for the November 3, 2020 election include: the voter registration deadline is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020 – October 30, 2020.

SECTION 5. On or before August 17, 2020, the City Council will make any necessary revisions to this order of election. Such revisions include, but are not limited to, change the date of the election; change the location of the main early voting location; changes to the early voting dates and hours; any changes to the identity of the early voting clerk and their contact information; any changes to branch early voting locations; or any other change authorized by applicable law.

SECTION 6. The Mayor, the City Secretary, or their respective designee, acting on behalf of the City Council, in consultation with the City Attorney and bond counsel, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of Section 41.001(a) of the Texas Election Code and the Federal Voting Rights Act in carrying out and conducting the Election.

SECTION 7. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 8. That this ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 31, 2020.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney



GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM '20

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 18 2020
[Signature]
Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending 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, and suspending 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.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

[Signature]
Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Attachment: Exhibit A 3-26-2020 (10917 : 11 Postponing May 2, 2020 Election)

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas 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, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me 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.

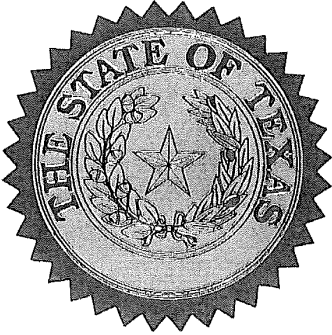
The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

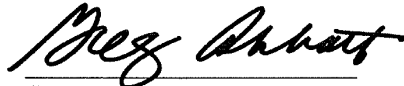
FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020

Attachment: Exhibit A 3-26-2020 (10917 : 11 Postponing May 2, 2020 Election)



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.



GREG ABBOTT
Governor of Texas

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK
MAR 18 2020

Attachment: Exhibit A 3-26-2020 (10917 : 11 Postponing May 2, 2020 Election)

AGENDA ITEM SUMMARY – WORK SESSION

Meeting: 3/31/2020

DOC ID: 10928

Recommending Department: City Manager's Office

COVID-19 Update and City Response

DISCUSSION:

ATTACHMENTS:

REVISION INFORMATION:

Prepared: 3/26/2020 04:15 PM by Anthony Cao

Last Updated: 3/26/2020 04:15 PM by Anthony Cao