

ORDINANCE NO. ORD-2020-10361

**ORDINANCE CANCELLING SPECIAL BOND ELECTION AND PROVIDING
FOR OTHER MATTERS INCIDENTAL AND RELATED THERETO**

WHEREAS, the City of Irving, Texas (the "City") is municipal corporation and political subdivision of the State duly created, organized and existing under the Constitution and laws of the State of Texas (the "State") and on February 13, 2020, the City Council of the City (the "City") approved ORDINANCE NO. ORD-2020-10314 OF THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, CALLING A SPECIAL BOND ELECTION TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL BOND ELECTION AND OTHER PROVISIONS RELATING THERETO (the "Original Ordinance") ordering a special bond election to be held within the boundaries of the City on May 2, 2020 (the "Election"); and

WHEREAS, the public health risks posed by the novel corona virus ("COVID-19") have resulted in widespread economic and social disruption, the closure of businesses, and governmental action restricting certain public gatherings and activities, and such disruption, closures, and restrictions are impacting the City and its residents; and

WHEREAS, pursuant to Section 418.018, Texas Government Code, the Governor issued a proclamation on March 13, 2020 certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in the State, and the Governor has subsequently extended such disaster declaration; and

WHEREAS, pursuant to Section 418.016, Texas Government Code, the Governor issued a proclamation on March 18, 2020 suspending certain provisions of the Texas Election Code to allow all local political subdivisions that were utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date (collectively with the proclamation issued on March 13, 2020, the "Proclamation"); and

WHEREAS, in response to the Proclamation, the Texas Secretary of State provided guidance to election officials advising election officials to postpone elections to be held on May 2, 2020; and

WHEREAS, pursuant to the Proclamation and the Secretary of State's advisories, on March 31, 2020, the City Council approved ORDINANCE NO. ORD-2020-10323 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 (the "Postponement Ordinance"), which postponed the Election until the November 3, 2020 uniform election date; and

WHEREAS, the City Council hereby finds, determines, and declares that the economic and social disruption caused by COVID-19 and the related mitigation measures implemented in response to COVID-19 may endure for an indefinite period of time, resulting in operational and financial

uncertainty that may impact (i) the businesses and residents within the City, (ii) the manner in which the City provides services, and (iii) the resources available to or required by the City in the discharge of its municipal purposes; and

WHEREAS, the City Council hereby finds, determines, and declares that the City Council and the City's administration require additional time to assess and determine (i) the (financial) impact of COVID-19 on the residents and businesses within the City, (ii) future needs for bond-financed improvements and equipment in light of the COVID-19 pandemic, and (iii) the impact of the aforementioned economic and social disruption on the cost of projects to be financed through the issuance of bonds; and, therefore, it is in the best interests of the City and the residents and businesses within the City for the City to assess and determine the impact of COVID-19 as outlined above and not proceed with the a bond election at this time; and

WHEREAS, the City Council intends to call a bond election in the future to submit the measures identified in the Original Ordinance to the citizens of the City, but for the foregoing reasons has determined that proceeding with the election at this time is not in the bests interests of the City in light of the COVID-19 pandemic; and

WHEREAS, based on the foregoing and pursuant to Section 2.081, Texas Election Code, the City Council hereby finds, determined and declares that the measures to be presented to voters in the Special Bond Election (consisting of Proposition A, Proposition B, Proposition C, Proposition D, Proposition E, Proposition F, Proposition G, Proposition H, Proposition I, Proposition J, Proposition K and Proposition L) have been rendered moot for the time being within the meaning and for the purposes of Section 2.081 of the Texas Election Code;

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

Section 1. The findings, determinations, and declarations set forth in the recitals of this Ordinance are hereby incorporated into and 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 measures to be submitted to voters at the Special Bond Election (consisting of Proposition A, Proposition B, Proposition C, Proposition D, Proposition E, Proposition F, Proposition G, Proposition H, Proposition I, Proposition J, Proposition K and Proposition L) have been rendered moot for the time being within the meaning and for the purposes of Section 2.081 of the Texas Election Code, and because such measures were the only measures to be presented to voters in the Special Bond Election, the Special Bond Election is hereby cancelled, and all proceedings and actions to date with respect to such Election shall be of no force or effect.

Section 3. The City Council further authorizes and directs the Mayor and the City Secretary of the City to take any and all necessary action contemplated by this Ordinance to facilitate the cancellation of the Special Bond Election, including posting notice of the cancellation of the Special Bond Election on the City's website, notifying the appropriate county election officer and providing any other notices required by law or deemed appropriate by the Mayor or the City Secretary of the City in connection with cancellation of the Special Bond Election.

Section 4. All orders and resolutions, 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 resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was held in compliance with the advisory issued by the Governor 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 7. This Ordinance shall be in force and effect from and after the date of its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS on August 13, 2020.


RICHARD H. STOPFER
MAYOR

ATTEST:


Shanae Jennings
City Secretary



APPROVED AS TO FORM:


Janet M. Spynard
City Attorney