



AGENDA
CITY COUNCIL MEETING
MARCH 24, 2020 @ 5:30 P.M.

In light of the Governor's executive order and the recommendations by the Federal Government and Center for Disease Control regarding social distancing, this meeting may be conducted telephonically. The call-in number for this meeting is (toll free) 1-866-899-4679 access code [262-755-317].

City Council Meeting 3/24
Tue, Mar 24, 2020 5:30 PM - 7:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/262755317>

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United States (Toll Free): 1 866 899 4679
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Access Code: 262-755-317

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Notice is hereby given the City Council for the City of Parker will meet in a **Special Meeting on Tuesday, March 24, 2020 at 5:30 P.M.** at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE MAYOR'S DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY;

ORDER; AND SOCIAL DISTANCING RECOMMENDATIONS.
[PETTLE/OLSON/SHELBY]

2. DISCUSSION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 790, POSTPONING THE GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 2, 2020 AND MOVING IT TO NOVEMBER 3, 2020 TO ELECT A MAYOR AND TWO (2) CITY COUNCIL MEMBERS AT-LARGE; AUTHORIZING THE MAYOR TO EXECUTE A GENERAL ELECTION CONTRACT FOR ELECTION SERVICES WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW AND PROVIDING AN EFFECTIVE DATE. [SHELBY]

EXECUTIVE SESSION START TO FINISH – Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting.

3. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
 - b. Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.
 - c. Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly conflicts with this chapter (Open Meetings Act).
4. RECONVENE REGULAR MEETING.
5. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.
6. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before March 20, 2020 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Patti Scott Grey
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



Council Agenda Item

Item 1
C'Sec Use Only

Budget Account Code:	Meeting Date:	March 24, 2020
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance- before expenditure:	Prepared by:	City Secretary Scott Grey
Estimated Cost:	Date Prepared:	March 20, 2020
Exhibits:	<ul style="list-style-type: none">• <u>Mayor's Declaration of Local Disaster: Order, Social Distancing Recommendations & TX Gov. Code 418.108</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE MAYOR'S DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY; ORDER; AND SOCIAL DISTANCING RECOMMENDATIONS.
[PETTLE/OLSON/SHELBY]

SUMMARY

A local state of disaster for public health emergency is needed for the City of Parker, Texas, pursuant to section 418.108(a) of the Texas Government Code. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of Parker, Texas. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Parker emergency management plan.

POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/19/2020
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	03/20/2020



**CITY OF PARKER, TEXAS
MAYOR'S DECLARATION OF
LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY**

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases, the virus has caused death; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Parker, including the quarantine of individuals, groups of individuals, and property as well as compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF PARKER, TEXAS:

Section 1. That a local state of disaster for public health emergency is hereby declared for the City of Parker, Texas, pursuant to section 418.108(a) of the Texas Government Code.

Section 2. Pursuant to section 418.108(b) of the Government Code, the state of disaster for public health emergency shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of Parker, Texas.

Section 3. Pursuant to section 418.108(c) of the Government Code, this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 4. Pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Parker emergency management plan.

Section 5. That this proclamation shall take effect immediately from and after its issuance.

DECLARED this _____ day of March 2020 at _____ A.M./P.M. Central Daylight Time.



Lee Pettle, Mayor
City of Parker, Texas



ORDER OF THE MAYOR OF THE CITY OF PARKER, TEXAS

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order prohibits community gatherings of 10 persons or more anywhere in the City of Parker beginning at _____ a.m./p.m. on March _____, 2020, and continuing seven days through _____ a.m./p.m. on March _____, 2020, as defined by Section 3 herein. For all other gatherings, the City of Parker, the Office of the Collin County Judge, and the Health Authority strongly recommend following the social distancing protocols attached to this Order, including canceling, rescheduling, or not attending events with more than 10 persons. Additionally, the City of Parker, the Office of the Collin County Judge, and the Health Authority strongly urge high-risk individuals, as defined by the Centers for Disease Control and Prevention (CDC), to cancel, reschedule, or not attend events that will have or will likely have 10 or more people.

UNDER THE AUTHORITY OF TEXAS GOVERNMENT SECTION 418.108, I, LEE PETTLE, MAYOR OF THE CITY OF PARKER, TEXAS, HEREBY ORDER THE FOLLOWING:

1. Effective as of 2:00 p.m. on Tuesday March 17, 2020, and continuing until 8:00 a.m. on March 24, 2020, public or private Community Gatherings (as defined in Section 3 below) are prohibited anywhere in the City of Parker, Texas.
2. In addition, the City of Parker, the Office of the Collin County Judge and the Collin County Department of Health and Human Services ("Health Authority") strongly recommend canceling, rescheduling, or not attending events with more than 10 persons. The City of Parker, the Office of the Collin County Judge, and the Health Authority strongly urge organizations that serve high-risk populations to cancel gatherings of more than 10 people. These recommendations are based on the social distancing practices attached to this Order as well as the "Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission" issued by the United States Centers for Disease Control and Prevention ("CDC"). The City of Parker, the Office of the Collin County Judge, and the Health Authority urge people to not attend non-essential gatherings during the duration of this Order in order to help slow down the spread of the COVID-19 virus.
3. Definitions:
 - a. For purposes of this Order, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed

space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

- b. An outdoor "Community Gathering" under this Order is limited to events in confined outdoor spaces, which means an outdoor space that (i) is enclosed by a fence, physical barrier, or other structure, and (ii) where people are present and they are within arm's length of one another for extended periods.
- c. This Order also does not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as 10 people are not present in any single space at the same time. This Order also does not prohibit the use of enclosed spaces where 10 or more people may be present at different times during the day, so long as 10 or more people are not present in the space at the same time. For any gathering covered by this subsection c., the City of Parker, the Office of the Collin County Judge, and the Health Authority strongly encourage compliance with the attached Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly touched surfaces.
- d. For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:(i) spaces where 10 or more persons may be in transit or waiting for transit such as airports, bus stations or terminals; (ii) office space or residential buildings; (iii) grocery stores, shopping malls, or other retail establishments where large numbers of people are present but it is unusual for them to be within arm's length of one another for extended periods; and (iv) hospitals and medical facilities. In all such settings, the City of Parker, the Office of the Collin County Judge and the Health Authority recommend following the attached Social Distancing Recommendations, and personal hygiene measures such as hand sanitizer and tissues should be provided when possible.

4. This Order shall be effective **until _____ a.m./p.m. on March _____, 2020**, or until it is either rescinded, superseded, or amended pursuant to applicable law.

5. The City of Parker must promptly provide copies of this Order by posting on the City of Parker website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

IT IS SO ORDERED



Lee Pettle, Mayor
City of Parker, Texas



CITY OF PARKER
Social Distancing Recommendations

1) Vulnerable Populations: Limit Outings

- Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- For vulnerable populations, don't go to gatherings (of 10 people or more) unless it is essential. If you can telecommute, you should. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

- Minimize the number of employees working within arm's length of one another, including minimizing or canceling large in-person meetings and conferences.
- Urge employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Consider use of telecommuting options.
- Some people need to be at work to provide essential services of great benefit to the community. They can take steps in their workplace to minimize risk.

3) Large Gatherings: Cancel Non-essential Events

- Cancel events where 10 or more persons are likely to attend.
- Do not attend any events or gatherings if sick.
- For Events that aren't cancelled, we recommend:
 - Having hand washing capabilities, hand sanitizers and tissues available. Frequently cleaning high touch surface areas like counter tops and handrails.
 - Finding ways to create physical space to minimize close contact as much as possible.

4) Schools: Safety First

- Do not have your child attend school if sick.
- If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- Schools should equip all classrooms with hand sanitizers and tissues.
- Recommend rescheduling or cancelling medium to large events that are not essential.

- Explore remote teaching and online options to continue learning.
- Schools should develop a plan for citywide school closures, and families should prepare for potential closures.

5) Transit: Cleaning and Protection

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.

6) Health Care Settings: Avoid as possible, protect the vulnerable

- Long term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- Long term care facilities should screen all staff and visitors for illness and turn away those with symptoms.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Visitors should not go to long-term care facilities unless absolutely essential.
- Follow guidance and directions of all facilities.

7) Everyone: Do your part

The best way for all City of Parker residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 45 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- There is no recommendation to wear masks at this time to prevent yourself from getting sick.

Texas Government Code 418.108 – Declaration of Local Disaster

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

- (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.
- (b) A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.
- (c) An order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary, the county clerk, or the joint board's official records, as applicable.
- (d) A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.
- (e) The chief administrative officer of a joint board has exclusive authority to declare that a local state of disaster exists within the boundaries of an airport operated or controlled by the joint board, regardless of whether the airport is located in or outside the boundaries of a political subdivision.
- (f) The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.
- (g) The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.
- (h) For purposes of Subsections (f) and (g):
 - (1) the jurisdiction and authority of the county judge includes the incorporated and

unincorporated areas of the county; and

(2) to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

(i) A declaration under this section may include a restriction that exceeds a restriction authorized by Section [352.051](#), Local Government Code. A restriction that exceeds a restriction authorized by Section [352.051](#), Local Government Code, is effective only:

(1) for 60 hours unless extended by the governor; and

(2) if the county judge requests the governor to grant an extension of the restriction.



Council Agenda Item

Item 2
C'Sec Use Only

Budget Account Code:	Meeting Date: March 24, 2020
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance- before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: March 20, 2020
Exhibits:	<ol style="list-style-type: none"><u>Proposed Ordinance</u><u>Texas Secretary of State Elections Division Legal Director Christina Worrell Adkins email, dated Wednesday, March 18, 2020</u><u>Governor Greg Abbot's office Letter and Proclamation, dated Wednesday, March 18, 2020</u><u>Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date</u>

AGENDA SUBJECT

DISCUSSION, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 790, POSTPONING THE GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 2, 2020 AND MOVING IT TO NOVEMBER 3, 2020 TO ELECT A MAYOR AND TWO (2) CITY COUNCIL MEMBERS AT-LARGE; AUTHORIZING THE MAYOR TO EXECUTE A GENERAL ELECTION CONTRACT FOR ELECTION SERVICES WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW AND PROVIDING AN EFFECTIVE DATE. [SHELBY]

SUMMARY

Due to the Coronavirus (COVID-19), the Mayor and Council have been asked to discuss and consider postponing the May 2, 2020 meeting to November 3, 2020.

POSSIBLE ACTION

Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/20/2020
City Attorney:		Date:	
City Administrator:	<i>Luke B. Olson</i>	Date:	03/20/2020

ORDINANCE NO. 790
*(Postponing and Moving General Election
due to Coronavirus (COVID-19) Pandemic)*

AN ORDINANCE OF THE CITY OF PARKER, TEXAS POSTPONING THE GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 2, 2020 AND MOVING IT TO NOVEMBER 3, 2020 TO ELECT A MAYOR AND TWO (2) CITY COUNCIL MEMBERS AT-LARGE; AUTHORIZING THE MAYOR TO EXECUTE A GENERAL ELECTION CONTRACT FOR ELECTION SERVICES WITH COLLIN COUNTY; PROVIDING FOR THE ORDER AND NOTICE OF THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:

WHEREAS, the Coronavirus (COVID-19) pandemic is still a fluid situation with an unknown outcome; and

WHEREAS, there are both Federal and State Guidelines regarding prevention of this disease, the City is taking measures to try and prevent the spread of the COVID-19; and

WHEREAS, the Governor of the State of Texas, Greg Abbott has issued a proclamation suspending 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 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; and

WHEREAS, Collin County, as most other jurisdictions, is currently under a disaster declaration that has an unknown ending date; and

WHEREAS, the pandemic has caused the availability of sanitation supplies (to ensure the safety of the voters and election workers) to become almost nonexistent.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS: is hereby postponing the May 2, 2020 General Election until November 3, 2020.

ADOPTED AND APPROVED on this 24th day of March, 2020 by a vote of the City Council of the City of Parker, Texas.

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF PARKER, TEXAS

BY: _____
LEE PETTLE, MAYOR

ATTEST:

BY: _____
PATTI SCOTT GREY,
CITY SECRETARY

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL ADVISORY - (CSO-3492) - Advisory 2020-12- Actions for May 2, 2020 Uniform Election (COVID-19)
Date: Wednesday, March 18, 2020 11:10:21 AM
Attachments: [image001.png](#)
Sensitivity: Personal

Dear Election Officials:

Pursuant to a [proclamation](#) issued earlier today, Governor Greg Abbott has authorized all political subdivisions holding general or special elections on May 2, 2020 to postpone their election to the November 3, 2020 uniform election date. Please be advised that a postponement of your election does not happen automatically; the governing body of the political subdivision **MUST** take an official action for such a change to be effective.

Today, our office has issued [Advisory 2020-12 – Actions for May 2, 2020 Uniform Election Date](#), providing guidance to political subdivisions seeking to move their May 2, 2020 election date in accordance with the Governor's proclamation.

We are in the middle of a public health crisis that is rapidly changing. Through this crisis, our primary concern is the health and safety of voters, election workers, and our local election officials. As the situation progresses, we stand ready to provide additional guidance regarding the upcoming elections. In the meantime, please continue to send us your questions so that we can revise and update our materials and guidance as necessary.

Please let us know if you have any additional questions or concerns. This advisory and other resources can be found on your [Conducting Elections](#) pages.

Thank you for all that you do for Texas elections.

Christina Worrell Adkins

Legal Director – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



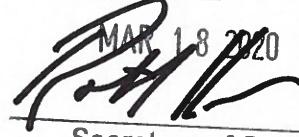
The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.



GOVERNOR GREG ABBOTT

March 18, 2020

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


MAR 18 2020
Secretary of State

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

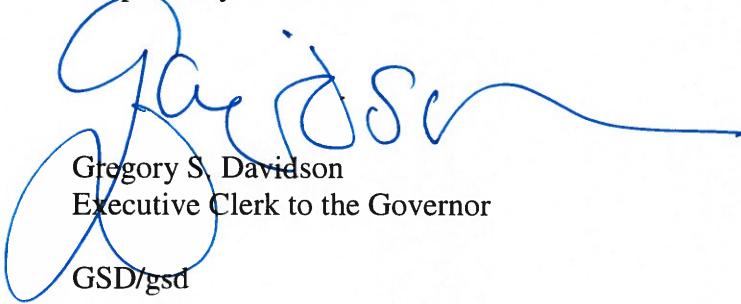
Dear Secretary Hughs:

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

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,


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

Attachment

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
10:00 AM O'CLOCK

MAR 18 2020



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.

A handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

ELECTION ADVISORY NO. 2020-12

TO: Election Officials

FROM: Keith Ingram, Director of Elections

DATE: March 18, 2020

RE: Actions for May 2, 2020 Uniform Election Date

A handwritten signature in blue ink, appearing to read "Keith Ingram".

The purpose of this advisory is to provide guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date. Pursuant to Section 418.016 of the Texas Government Code, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date. Pursuant to Texas Election Code 31.003 and 31.004, our office has issued the following guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date.

Effect of Postponement of Election

- **Candidate Filings:** By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does **not** have the effect of reopening candidate filings.
 - **Deadlines related to Candidate Filings, Declarations of Ineligibility, Withdrawals or Death:** The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.
- **Ballot By Mail Requests:** All applications for a ballot by mail (ABBMs) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed. However, we would recommend that the political subdivision send a letter to these voters along with a new ABBM in case the circumstances

surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

- **Ballots by Mail:** If a political subdivision has already sent out mail ballots, those mail ballots that are returned would still be valid for the November 3, 2020 postponed election date.
- **Election Records:** All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.
 - **Printed Ballots:** If your ballots have already been printed up, you may be able to reuse them for November. However, if you must change your ballot to reflect any corrections or changes that occur between now and November, you would treat the original ballots as you would in a traditional ballot correction and those ballots should be destroyed in accordance with Section 52.0064 of the Texas Election Code.
- **Requirement to use County Election Precincts in November 2020:** Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
- **Requirement for County Election Officer to contract with Local Political Subdivisions:** All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.
- **Office Hours:** The relevant dates for maintaining office hours for election purposes will be based on the November uniform election date rather than the May election date. Under Section 31.122 of the Texas Election Code, those office hours will need to be maintained for at least three hours each day, during regular office hours, on regular business days between September 14, 2020 and December 13, 2020. However, these entities should post contact information for individuals to contact their office about election-related issues during the timeframe that those offices may be closed over the coming months.
- **Holdovers in Public Office:** Under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.
- **Campaign Finance Filings:** Please contact the Texas Ethics Commission for further guidance on how these modified timelines will affect any campaign finance reporting requirements. Their office can be reached at (512) 463-5800.
- **Candidates on the ballot in both May and November:** For candidates that may be running for two offices (one normally occurring in May and one normally occurring in November), these candidates will not be removed from the ballot as they are separate elections that are normally not occurring on the same date.

Required Action by Governing Body to Move Election Date

In order to utilize this move, the governing body of the political subdivisions holding the elections must **order** the postponement of their election to the November 3, 2020 uniform election date. The order for this official action should contain the following items:

1. A reference to the proclamation that authorizes the entity to postpone their election date, and the fact that the political subdivision is exercising this authority.
2. Confirmation 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.
3. Confirmation 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 election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.
4. 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).

Necessary Revisions to Order of Election

In addition, the entity will need to meet by August 17, 2020 to make any necessary revisions to the entity's original order of election. Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

If you are holding a bond election, you may need to make additional revisions to your order of election for that bond election. If this is the case, we recommend reaching out to your bond counsel for additional guidance.

Securing Election Records

All election records should be stored and secured during the postponement period. This may require your entity to use preservation methods that are similar to the methods you would use during the preservation period after the election has occurred. This includes:

- Storing returned ballots by mail in locked, sealed ballot boxes.
- Securely storing any unused ballots.
- Securely retaining any relevant election records, including candidate applications and ABBMs.

Voting System Equipment

If you are leasing voting system equipment from the county or directly from the vendor, then you may need to contact your vendor or your county regarding any necessary modifications to those lease agreements or to modify your procedures and timelines for receiving that equipment.

Open Meeting Requirements

The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconferenced meetings of governmental bodies that are accessible to the public.

These procedures must include a process for members of the public to participate and address the governmental body in those meetings, notice to the public on the means of participating remotely, and access to the public for recordings of those meetings.

For more information, please review the applicable [documentation](#) from the Governor's Office or contact the Office of the Attorney General.

Update Official Websites and Notify Media

Any entities that are exercising this authority to postpone their election date must post notice on the entity's website and should alert any local media organizations regarding this change to their election date.

The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008. If that election date will be changing due to the entity's decision to postpone the election then the entity must provide a revised notice to the county for posting on the county's website.

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

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