

ORDINANCE NO. 2156

AN ORDINANCE POSTPONING THE BOND ELECTION OF THE CITY OF ALAMO HEIGHTS, TEXAS FROM MAY 2, 2020 TO NOVEMBER 3, 2020 PURSUANT TO A PROCLAMATION ISSUED BY THE GOVERNOR OF THE STATE OF TEXAS DATED MARCH 18, 2020; AND ADDRESSING OTHER MATTERS INCIDENTAL THERETO

WHEREAS, pursuant to an ordinance passed by the City Council (the *Council*) of the City of Alamo Heights, Texas (the *City*) on February 10, 2020 (the *Election Ordinance*), a bond election was called to be held in the City on May 2, 2020 (the *Election*), being a uniform election date prescribed by Section 41.001 of the Texas Election Code; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas (the *Governor*) 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 (the *Disaster Proclamation*); and

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued an order on March 16, 2020 (the *Open Meetings Order*) temporarily suspending certain provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code; and

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued a proclamation on March 18, 2020 (the *Election Proclamation*) suspending certain provisions of the Texas Election Code (the *Code*), including Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions to move their previously called special elections from May 2, 2020 to the next uniform election date, which occurs on November 3, 2020; and

WHEREAS, the Election Proclamation by its terms declares that the Governor may take action pursuant to Section 418.016 of the Texas Government Code 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; and

WHEREAS, the Council desires to exercise its authority under the Election Proclamation; and

WHEREAS, the Council hereby finds and determines that it is in the best interests of the residents of the City, including its registered voters and all individuals appointed to serve as election officers at the Election, in light of the purposes of the Disaster Proclamation, to postpone the Election as provided for in the Election Proclamation; and

WHEREAS, the early voting period for the Election has not begun, although applications for ballots by mail may have been received; and

WHEREAS, the Council hereby finds and determines that all proceedings and actions to date with respect to the Election have been proper and appropriate; and

WHEREAS, the Council hereby finds and determines that postponing the Election from May 2, 2020 to November 3, 2020 is in the best interests of the residents of the City; now, therefore

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

SECTION 1. The Election is hereby postponed from May 2, 2020 to November 3, 2020.

SECTION 2. All applications for ballots by mail that were duly submitted for the May 2, 2020 election will remain valid for the November 3, 2020 election.

SECTION 3. The City will post notice or cause to be posted a substantial copy of this ordinance, during early voting by personal appearance and on election day at each place in the City where the Election Ordinance was to be posted by the City pursuant to the Election Ordinance, including on the City's website.

SECTION 4. The Council will meet no later than August 17, 2020 to make any necessary or desirable revisions to its original election ordinance, including but not limited to identifying the voter registration deadline (October 5, 2020), the deadline to submit annual applications for ballots by mail (October 23, 2020), and the dates for early voting (October 19, 2020 through October 30, 2020) and such other revisions as may be deemed appropriate by the Council, which could be included in an ordinance calling a new bond election.

SECTION 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 6. All ordinances 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 ordained herein.

SECTION 7. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public, 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, as amended, Texas Government Code, and as modified by the Open Meetings Order.

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this

Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 10. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED on the 13th day of April, 2020.

CITY OF ALAMO HEIGHTS, TEXAS



MAYOR BOBBY ROSENTHAL

ATTEST:



CITY SECRETARY JENNIFER REYNA

