

ORDINANCE NO. O-20-14

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AS AUTHORIZED BY THE GOVERNOR OF THE STATE OF TEXAS POSTPONING THE SPECIAL ELECTION SCHEDULED ON MAY 2, 2020, TO NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MISSOURI CITY A PROPOSITION PROVIDING FOR OR AGAINST THE ADOPTION OF THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE LAW; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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WHEREAS, Section 143.004 of the Texas Local Government Code requires the governing body of a municipality to order an election submitting to the voters the question of whether Chapter 143 of the Texas Local Government Code, the firefighter' and police officers' civil service law ("Chapter 143"), should be adopted if the governing body of the municipality receives a petition on said matter that is signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, on or about January 21, 2020, the City Secretary of the City of Missouri City ("City Secretary") received a petition requesting the adoption of Chapter 143 (the "Petition"); and

WHEREAS, on or about January 28, 2020, the City Secretary notified the petitioner as to the sufficiency of the Petition in accordance with Section 277.0023 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 143, the Petition has been signed by at least 10 percent of the qualified voters who voted in the most recent municipal election; and

WHEREAS, pursuant to Chapter 143, the City Council of the City of Missouri City, Texas (the "City") is required to hold an election in the City on a uniform election date for the purpose of submitting to the qualified voters of the City a proposition providing for or against the adoption of Chapter 143; and

WHEREAS, on or about February 3, 2020, the City adopted Ordinance No. O-20-03 ordering a special election on the next uniform election date, May 2, 2020, as required by Chapter 143; and

WHEREAS, on or about March 13, 2020, the Governor of the State of Texas certified that the novel coronavirus disease 2019 (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 in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a proclamation suspending certain sections of the Texas Election Code and authorized political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections to the next uniform election date, November 3, 2020 (the "Proclamation"); and

WHEREAS, on or about March 18, 2020, pursuant to Texas Election Code Section 31.004, the Texas Secretary of State issued Election Advisory No. 2020-12, which contains guidelines for entities that choose to exercise the authority provided by the Proclamation; and

WHEREAS, the City of Missouri City, Texas, is a home-rule municipality and political subdivision of the State of Texas; and

WHEREAS, pursuant to the Governor's March 13, 2020 disaster declaration and the Proclamation, the City Council finds that it is in the best interest of public health and safety to postpone the City's special election from Saturday, May 2, 2020, to Tuesday, November 3, 2020; now, therefore,

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

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. *Election postponed.* The special election scheduled for May 2, 2020, at which a proposition for or against the adoption of the fire fighters' and police officers' civil service law was to be submitted to the qualified voters of the City of Missouri City, Texas, for their action thereon, is hereby postponed until Tuesday, November 3, 2020, pursuant to the March 13, 2020 disaster declaration and the March 18, 2020 proclamation of the Governor of the State of Texas, attached hereto as Exhibit "A" and incorporated herein for reference purposes. Such November 3, 2020 election is hereby ordered. Said election shall be held in accordance with the Texas Election Code. Polling locations and precincts shall be set forth by ordinance by August 17, 2020.

Section 3. *Authority.* Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, attached hereto as Exhibit "B" and incorporated herein for reference purposes, this Ordinance makes the following findings, and incorporates them by reference into this Ordinance: (1) the petition verified on or about January 28, 2020, remains valid and sufficient to require an election for or against the adoption of the fire fighters' and police officers' civil service

law; (2) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election; (3) all applications for a ballot by mail based upon a voter's expected absence from the applicable county will not be valid for the postponed election; and (4) the major relevant dates for the November 3, 2020, general election are as follows: (a) October 5, 2020, the voter registration deadline; (b) October 23, 2020, the deadline to submit an application for a ballot by mail; and (c) October 19, 2020, through October 30, 2020, early voting period.

Section 4. *Open meeting.* It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. *Severability.* That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Missouri City, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on first and final reading this 6th day of April, 2020.

Yolanda Ford, Mayor

ATTEST:

Approved as to form:

Maria Jackson, City Secretary

E. Joyce Iyamu, City Attorney