

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, POSTPONING THE SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 02, 2020, FOR THE PURPOSE OF REAUTHORIZING THE LOCAL SALES AND USE TAX AT THE RATE OF THREE-EIGHTHS (3/8) OF ONE PERCENT (1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS, TO A LATER DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

* * * * *

WHEREAS, on or about March 13, 2020, the Governor of the State 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 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, among others, to allow political subdivisions of the State that would otherwise hold elections on May 02, 2020, to postpone elections to the next uniform election date, November 03, 2020; and

WHEREAS, on or about February 03, 2020, the City adopted Ordinance No. 2020-06 which ordered a General Election for Saturday, May 02, 2020, for the purpose of electing two officials of the City, to wit: City Council Position 2 and City Council Position 5; of which General Election was subsequently cancelled at a March 02, 2020, City Council meeting by adoption of Ordinance No. 2020-15, due to the candidates being certified as unopposed and were declared duly elected to the respective offices; and

WHEREAS, on or about February 03, 2020, the City adopted Ordinance No. 2020-07 which ordered a Special Election for Saturday, May 02, 2020, for the purpose of submitting a proposition pertaining to the reauthorization of the local sales and use tax at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, it is pursuant to the authority of the Governor's March 13, 2020, disaster declaration and the March 18, 2020, proclamation that this Ordinance is adopted; *i.e.*, to postpone the City of Friendswood Special Election from Saturday, May 02, 2020, to Tuesday, November 03, 2020, or a date in Summer, 2020, if authorized by the Governor; and

WHEREAS, a request has been made to the Governor to allow the postponement of the May 02, 2020, election to another date prior to November 03, 2020.

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

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, the City Council is exercising its authority to postpone the May 2, 2020 election date and makes the following findings, and incorporates them by reference into this Ordinance: (1) all candidate filings for the May 02, 2020, General Election were valid, and pursuant to Ordinance No. 2020-15, the candidates for City Council Position 2 and City Council Position 5 have been duly certified as unopposed and declared duly elected to the respective offices; (2) the proposition language for the Special Election to reauthorize the local sales and use tax at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets shall remain valid; (3) 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; however, all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (4) the major relevant dates for the November 03, 2020, election are as follows: deadline for registration to vote in the November 03, 2020, election is October 05, 2020; the deadline to submit an application for a ballot by mail is October 23, 2020; and early voting is October 19, 2020, through October 30, 2020.

Section 3. The Special Election scheduled for Saturday, May 02, 2020, for the purpose of submitting a proposition pertaining to the reauthorization of the local sales and use tax at the rate of three-eighths (3/8) of one percent (1%) to continue providing revenue for maintenance and repair of municipal streets is hereby postponed until Tuesday, November 03, 2020, pursuant to the authority referenced in the Preamble to this Ordinance, or a date in Summer, 2020, if authorized by the Governor, and it is hereby so ordered.

Section 4. In the event any clause, phrase, provision, sentence, or part of this ordinance or the application of same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that 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, whether there by one or more parts.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. In the event the Governor authorizes the postponement of the May 02, 2020, election to another date prior to November 03, 2020, the City Council reserves the right to amend this order and ordinance to authorize an alternative date for the election.

Section 7. The City Council officially finds, determines, recites, and declares 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 Law, 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.

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



Mike Foreman
Mayor

ATTEST:



Melinda Welsh, TRMC
City Secretary

