

RESOLUTION NO. _____

RESOLUTION POSTPONING THE BOND ELECTION OF THE CITY OF PFLUGERVILLE, 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

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WHEREAS, pursuant to a resolution adopted by the City Council (the *City Council*) of the City of Pflugerville, Texas (the *City*) on February 11, 2020, a bond election was ordered 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 Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions to move their previously ordered special elections from May 2, 2020 to the next uniform election date, which occurs on November 3, 2020; and

WHEREAS, the City Council finds that Sections 41.0052(a) and (b) of the Texas Election Code are regulatory statutes prescribing the procedures for the conduct of state business and are properly subject to the Governor's authority under Section 418.016 of the Texas Government Code; and

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

WHEREAS, pursuant to Section 2.081 and Section 2.082 of the Texas Election Code (the *Code*), as amended, the City may cancel a moot bond election; and

WHEREAS, the City Council hereby finds and determines that the Election has been rendered moot by the Disaster Proclamation and further finds that postponing the Election pursuant to the Election Proclamation is a de facto cancellation; 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 City 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 City 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, 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 submitted for the May 2, 2020 election for reasons of age or disability will remain valid for the November 3, 2020 election.

SECTION 3. The City Secretary will post notice or cause to be posted a copy of this Resolution during early voting by personal appearance and on election day at each polling place that would have been used for the Election in compliance with Section 2.081 of the Election Code, as amended.

SECTION 4. The City Council will meet no later than August 17, 2020 to make any necessary or desirable revisions to its original resolution calling the Election, 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) with any revisions to the proposition and ballot language and such additional propositions, if any, for the Election as the Council may determine to be appropriate at such time.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 6. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 7. This Resolution 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 Resolution 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 Resolution, 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 Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

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

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PASSED AND APPROVED on this the 2nd day of April, 2020.

Victor Gonzales, Mayor
City of Pflugerville, Texas

ATTEST:

Karen Thompson, City Secretary
City of Pflugerville, Texas

APPROVED AS TO FORM:

Charles Zech, City Attorney
Denton, Navarro, Rocha, Bernal & Zech, P.C.