

**NOTICE OF SPECIAL EMERGENCY MEETING**

**March 23, 2020**

**MONTGOMERY CITY COUNCIL**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

**NOTICE IS HEREBY GIVEN** that a **Special Emergency Meeting** of the Montgomery City Council will be held on **Monday, March 23, 2020, at 4:00 p.m.** at the City of Montgomery City Hall, City Council Chambers, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**THIS EMERGENCY MEETING IS CALLED FOR THE PURPOSE OF RESPONDING TO THE CONTINUING THREAT TO PUBLIC HEALTH AND SAFETY ARISING OUT OF THE IMPACT OF THE COVID-19 CRISIS IN THE CITY OF MONTGOMERY, TEXAS.**

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 418.1102 THE MEETING MAY BE CONVENED BY LESS THAN A QUORUM OF THE CITY COUNCIL IF A MAJORITY OF THE MEMBERS ARE UNABLE TO ATTEND BECAUSE OF THE DISASTER.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO FLAGS**

1. Consideration and possible action to adopt the following Resolution:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONTINUING THE DISASTER DECLARATION ISSUED BY MAYORAL PROCLAMATION ON MARCH 19, 2020 IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.
2. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ORDERING THAT THE GENERAL ELECTION AND SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; AUTHORIZING ELECTION SERVICES AGREEMENT AND JOINT ELECTION AGREEMENT FOR THE NOVEMBER 3, 2020 ELECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**EXECUTIVE SESSION:**

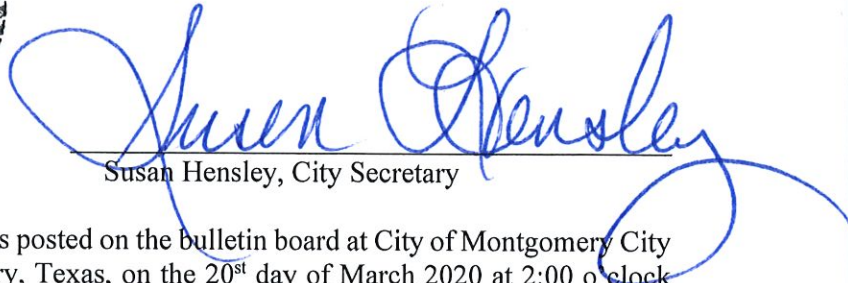
The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas. *(No items at this time.)*

**COUNCIL INQUIRY:**

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT



  
Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 20<sup>st</sup> day of March 2020 at 2:00 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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*This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.*

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**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONTINUING THE DISASTER DECLARATION ISSUED BY MAYORAL PROCLAMATION ON MARCH 19, 2020 IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.**

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

**WHEREAS**, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

**WHEREAS**, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

**WHEREAS**, extraordinary measures must be taken to contain COVID-19, and prevent its spread throughout the City of Montgomery and Montgomery County, and, additionally, potentially requiring individuals, groups of individuals, or property to under additional measures that prevent or control the spread of disease; and

**WHEREAS**, on March 19, 2020, the Mayor of the City of Montgomery, Texas issued a mayoral proclamation declaring a local state of disaster due to public health emergency for the City of Montgomery, in response to, and to help prevent and control, COVID-19; and

**WHEREAS**, pursuant to Section 418.108(b) of the Texas Government Code, such local state of disaster for public health emergency shall continue for a period of not more than seven days from the date of its declaration unless continued or renewed by the City Council of the City of Montgomery, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:**

**Section 1.** The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

**Section 2.** The declaration of the local state of disaster due to public health emergency, which was signed and executed by the Mayor on March 19, 2020, shall be continued in accordance with Section 418.108(b) of the Texas Government Code until terminated by order of the City Council of the City of Montgomery, Texas or upon executive order by the Mayor when such threat or danger which initiated the proclamation has passed or has been dealt with in such a manner that it no longer exists.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Montgomery, Texas, on this the 23<sup>rd</sup> day of March, 2020.

**CITY OF MONTGOMERY, TEXAS**

**Attest:** \_\_\_\_\_  
Susan Hensley, City Secretary

**Signed:** \_\_\_\_\_  
Sara Countryman, Mayor

**ORDINANCE NO. 2020-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ORDERING THAT THE GENERAL ELECTION AND SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; AUTHORIZING ELECTION SERVICES AGREEMENT AND JOINT ELECTION AGREEMENT FOR THE NOVEMBER 3, 2020 ELECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**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 2, 2020, to postpone elections to the next uniform election date, November 3, 2020; and

**WHEREAS**, on or about January 14, 2020, the City adopted Ordinance No. 2020-01 which, in part, ordered a General Election for Saturday, May 2, 2020, to elect a Mayor and two (2) City Council members to the City Council, Places 2 and 4; and

**WHEREAS**, on or about February 11, 2020, the City adopted Ordinance No. 2020-02 which, in part, ordered a Special Election for Saturday, May 2, 2020, to fill the vacancy for the unexpired term for City Council member Place 1; 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 Montgomery General Election and 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 MONTGOMERY, TEXAS, THAT:**

**SECTION 1**

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2**

The General Election scheduled for Saturday, May 2, 2020, to elect a Mayor and two (2) City Council members, Places 2 and 4 on the Montgomery City Council and the Special Election scheduled for May 2, 2020, to fill the vacancy for the unexpired term of City Council member Place 1 are hereby postponed until Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Ordinance, and it is hereby so ordered.

**SECTION 3**

That the Mayor is authorized to execute the Election Services Agreement and Joint Election Agreement with Montgomery County Elections for the November 3, 2020 City of Montgomery General and Special Elections.

**SECTION 4**

Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, this Order also makes the following findings, and incorporates them by reference into this Ordinance: (1) all candidate filings for the May 2, 2020, general and special election shall remain valid for the November 3, 2020, General Election and Special Election; (2) the filing period will not be re-opened for the November 3, 2020, general and special election; (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 whereas 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 3, 2020, general and special elections are as follows: deadline for registration to vote in the November 3, 2020, elections—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 19, 2020, through October 30, 2020.

**SECTION 5**

This Ordinance shall become effective from and after its passage.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ON THIS 23<sup>rd</sup> DAY OF MARCH, 2020.**

\_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan P. Petrov, City Attorney