LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilmember At Large A
STEVE GILLETT
Councilmember At Large B
DANNY EARP
Councilmember District 1

CHUCK ENGELKEN
Councilmember District 2
BILL BENTLEY
Mayor Pro-Tem
Councilmember District 3
THOMAS GARZA
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

CITY COUNCIL MEETING AMENDED AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held March 23, 2020 , beginning at 6:00 PM in the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas

, for the purpose of considering the following agenda items. All agenda items are subject to action.

REMOTE PARTICIPATION NOTIFICATION

Due to the COVID-19 recommendations from the CDC and Governor Abbott's Executive Orders of last week, the City of La Porte is observing guidelines not limit the number of persons physically present at the meeting. The meeting will be audible to members of the public and allow for two-way communications for those desiring to participate.

To attend the meeting via telephonic means, call 888-475-4499 and use the meeting ID 870-684-7610 and/or the link at *https://zoom.us/j/8706847610*.

1. CALL TO ORDER

2. INVOCATION – The invocation will be given by Minister Alicia Green, Pleasant Hill Church of Deliverance.
PLEDGES – Will be led by Councilperson Chuck Engelken.
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. CITIZEN COMMENT *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*

4. CONSENT AGENDA *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*

(a) Approve the minutes of the regular session held on March 9, 2020. [Mayor Rigby]

(b) Approve the continuance of utilizing Gall's for the purchase of La Porte Police Department uniform items under Buy Board Contract #587-19. [Steve Deardorff, Chief of Police]

5. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) The City Council will hold a public hearing to receive comments regarding adoption of Ordinance 2020-3785, extending the Juvenile Curfew Ordinance as written for an additional three- (3-) year term. [Steve Deardorff, Chief of Police]

6. STATUTORY AGENDA

(a) Presentation, discussion, and possible action to award RFP #20503 for Delinquent Ad Valorem Tax Collection Services. [Michael Dolby, Finance Director]

(b) Presentation, discussion, and possible action on the 2020 annual evaluation process for City Council-appointed employees of the City of La Porte. [Mayor Rigby]

(c) Presentation, discussion, and possible action to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting an item 6.06 (F) relating to the limits of debate. [Mayor Rigby]

7. ELECTION MATTERS

(a) Presentation, discussion, and possible action to postpone the May 2, 2020, General Election to November 3, 2020, as per the provisions to Governor Abbott's March 18, 2020, proclamation and the direction of the Texas Secretary of State. [Mayor Rigby]

8. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment meeting, March 27
- Drainage and Flooding Committee meeting, April 13
- City Council meeting, April 13
- City Council meeting, April 27

9. COUNCIL COMMENT

Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.

10. ADJOURN

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the March 23, 2020, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

Lee Woodward

Lee Woodward, City Secretary

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2

BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
THOMAS GARZA
Councilperson District 4
JAY MARTIN
Councilperson District 5
NANCY OJEDA
Councilperson District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 9, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, March 9, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Thomas Garza, Jay Martin, Nancy Ojeda
Councilpersons absent: None
Council-appointed officers present: Jason Weeks, Assistant City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m.

2. **INVOCATION AND PLEDGES –** The invocation was given by Minister Shawn Williams, Gates of Praises Church, and the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Bill Bentley.

3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
   a. Proclamation in recognition of NAPTA Troubleshooting Skills Competition Day. [Mayor Rigby].
   b. Recognition of the retirement of Peggy Lee, Office Coordinator for the Planning and Development Department. [Mayor Rigby]

4. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*

   Chuck Rosa spoke in opposition to action of the Planning and Zoning Commission and item 6a.

   Mayor Rigby reminded the Council that the adopted parliamentary authority was Robert's Rules of Order, which provides for each member to be recognized twice for ten minutes each on each item.

5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
   a. Approve the minutes of the regular session held on February 24, 2020. [Mayor Rigby]
   b. Approve the appointment of Pat McCabe to an open position on the Building Codes Appeals Board. [Mayor Rigby]
   c. Accept the City of La Porte Fiscal Year Ending September 30, 2019, Comprehensive Annual Financial Report (CAFR). [Michael Dolby, Finance Director]
   d Award RFP #20503 for Delinquent Ad Valorem Tax Collection Services to Perdue Brandon Fielder Collins & Mott, LLP. [Michael Dolby, Finance Director]
   e Award Bid 20007- Lomax Elevated Water Storage Tank Rehabilitation to Maguire Iron, Inc., authorize the City Manager to execute a contract in the amount of $275,000.00, and approve a project contingency of $27,500.00, for a total authorization of $302,500.00. [Ray Mayo, Director of Public Works]

f. **Award Bid 20008-Hillridge Water Tank Replacement to W. W. Payton Corporation, authorize the City Manager to execute a contract in the amount of $160,000.00, and approve a project contingency of $16,000.00, for a total authorization of $176,000.00. [Ray Mayo, Director of Public Works]**
g. **Adopt Ordinance 2020-3782 for the purpose of vacating, abandoning, and closing portions of the N 2nd and N 4th Street rights-of-way situated in Blocks 7C and 7B, Nebraska Syndicate, and Blocks 349 and 352, Town of La Porte. [Ian Clowes, City Planner]**
h. **Adopt Ordinance 2020-3783 for the purpose of vacating, abandoning, and closing a portion of the N 8th Street right-of-way situated in Block 12, Nebraska Syndicate. [Ian Clowes, City Planner]**

Councilperson Engleken moved to approve consent agenda items a-c and e-g; the motion was adopted, 9-0.

Councilperson Earp moved to ask staff to bring back information on the most recent three years of service of each Perdue and Linebarger for comparison at the next Council meeting to consider award RFP #20503 for Delinquent Ad Valorem Tax Collection Services to Perdue Brandon Fielder Collins & Mott, LLP; the motion was adopted, 9-0.

Councilperson Gillett moved to postpone item 5h for consideration at a future meeting; the motion was adopted, 9-0.

6. PUBLIC HEARINGS

(a) The City Council will hold a public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3784 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by amending regulations related to parking surface materials, commercial and industrial uses, shipping containers, design standards, parking space density, tree preservation, and landscaping; followed by discussion and possible action to consider adopting Ordinance 2020-3784 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by amending regulations related to parking surface materials, commercial and industrial uses, shipping containers, design standards, parking space density, tree preservation, and landscaping. [Ian Clowes, City Planner]

Mayor Rigby opened the public hearing at 6:58 p.m. City Planner Ian Clowes gave a brief presentation. Sue Sabin and Maggie Anderson spoke in opposition to the proposed ordinance. Mayor Rigby closed the public hearing at 7:36 p.m. Councilperson Ojeda moved that the Council deny Ordinance 2020-3784 amending Chapter 106 "Zoning" of the Code of Ordinances; the motion to deny was adopted, 9-0.

7. STATUTORY AGENDA

(a) Presentation, discussion, and possible action to authorize the City Manager to execute a Water Service Agreement with Truck Locker Houston, LLC for its proposed facility at 11210 Fairmont Parkway in the Bayport Industrial District. [Lorenzo Wingate, Assistant Director of Public Works]

Councilperson Garza moved to authorize the City Manager to execute a Water Service Agreement with Truck Locker Houston, LLC for its proposed facility at 11210 Fairmont Parkway in the Bayport Industrial District. Councilperson Earp moved to amend to add that Truck Locker Houston could not store hazardous materials on the site; the motion was adopted, 9-0. The main motion, as amended, was adopted, 9-0.

8. ELECTION MATTERS

(a) Approve Judges and Alternate Judges for the City of La Porte/LPISD General Election on May 2, 2020. [Mayor Rigby]

Councilperson Garza moved to approve the list of Judges and Alternate Judges, as presented, for the General Election on May 2, 2020; and to prescribe that each presiding judge of an election day election precinct appoint no more than six clerks; the motion was adopted, 9-0

9. REPORTS

(a) Receive a report on the Drainage and Flooding Committee meeting. [Councilperson Martin]

Councilperson Martin reported that the Committee had received project updates and set the date of the next meeting for April 13.

(b) Receive a report on the Fiscal Affairs Committee meeting. [Councilperson Engelken]

Councilperson Engelken reported that the Committee received a favorable first quarter investment report, purchasing card report, annual audit and report, and approved Hilltop Securities as the City's financial advisor.

10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission meeting, March 19
- City Council meeting, March 23
- Zoning Board of Adjustment meeting, March 27

Mr. Weeks advised there were no reports.

11. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

Councilpersons congratulated Peggy Lee on her retirement and recounted the significance of her career at the City; recognized the Public Works Department for winning the *Chili Cookoff* last week; thanked the City Secretary's office for a busy election time; announced the City had been recognized in a nationwide survey of beach towns; commended Officer Robin Davis to the Chief; acknowledged Women's History Month and the former women on Council – Virginia Cline, Dottie Kaminski, and Kristin Moser; expressed appreciation to NAPTA for training future workers; discussed the Greater Houston Partnership's State of the Industry event and likened it to past downturns; reminded all of the celebration at the installation of the new Chief and other PD promotions; shared participation in the City's health improvement challenge; noted the opening of the Girl's Softball season and the close of children's basketball; shared the experience at last Saturday's Fun Run at the San Jacinto Monument; and discussed a conversation with Harris County concerning the construction of the new toll road bridge

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 8:05 p.m.

_____
Lee Woodward, City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020

Requested By: Steve Deardorff, Chief

Department: Police

(•) Report ( ) Resolution ( ) Ordinance

Exhibits: Gall's Buy Board Contract # 587-19

Appropriation	
Source of Funds:	General & Grant
Account Number:	001-5252/5253/5256/5258-521-2003 and 032-5253-521-2003
Amount Budgeted:	$1,200/$44,290/$3,000 $8,200/$5,190 TOTAL = $61,880
Amount Requested:	$61,880.00
Budgeted Item:	(•) Yes ( ) No

SUMMARY

Currently, the La Porte Police Department has a total budget of $56,690 in the General Fund for regular uniform items and an additional $5,190 in Grant Fund for the reimbursable portion of the cost of bullet proof vest. The overall Police Department budget for protective clothing is $61,880.

Currently, the Police Department purchases regular uniform items including, but not limited to, pants, shirts, belts, and bullet proof vests from Gall's through the Buy Board contract #587-19, which expire on May 31, 2022. Consistently, Gall's has been able to fulfill the department's needs for uniforms and has been a reliable vendor. Through prior experience and research, there are no other local vendors that can fulfill the Police Department's uniform needs.

Multiple departments within the City purchase items from Gall's; therefore, there is a potential for accumulated purchases to exceed $50,000 in the current fiscal year. To-date the following has been spent with Gall's (October 1, 2019 to March 13, 2020):

Police	$28,687.97
EMS	$8,948.17
Fire	$312.82
Fire Marshal	$192.18
Total	$38,141.14

Due to staffing changes, including new hires in the La Porte Police Department, there is potential to exceed $50,000 in purchases from Gall's. Purchasing policy, per state law, requires all expenditures over $50,000 be approved by City Council.

RECOMMENDED MOTION

I move to approve the continuance of utilizing Gall's for the purchase of Police Department uniform items under Buy Board Contract # 587-19.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager	**Date**

Phone: 800.695.2919
Email:
info@buyboard.com

Vendor Contract Information

Back

Vendor Name:	Galls, LLC
Address:	1340 Russell Cave Rd Lexington, KY 40505
Phone Number:	(800) 876-4242
Email:	buyboard@galls.com
Website:	http://www.galls.com
Federal ID:	20-3545989
Contact:	Sales Dept
Accepts RFQs:	Yes
Minority Owned:	No
Women Owned:	No
Service-Disabled Veteran Owned:	No
EDGAR Forms Received:	Yes
No Israel Boycott Certificate:	Yes
No Excluded Foreign Terrorist Orgs:	Yes
Contract Name:	Uniforms and Accessories
Contract#:	587-19
Effective Date:	06/01/2019
Expiration Date:	05/31/2022
Payment Terms:	Net 30 days
Delivery Days:	15
Shipping Terms:	Pre-paid and added to invoice
Freight Terms:	FOB Destination
Ship Via:	Common Carrier
Region Served:	All Texas Regions
States Served:	All States
Quote Reference Number:	587-19
Return Policy:	See Extended Exceptions for return policy
Additional Dealers:	Galls, LLC locations in: Austin TX, San Antonio TX, Houston TX, Grand Prairie

Contract Documents

EDGAR Notice:	**Click to view EDGAR Notice**
Proposal Documents:	**Click to view BuyBoard Proposal Documents**
Regulatory Notice:	**Click to view Bonding Regulatory Notice**
Proposal Files:	**Click to view Vendor Proposal Files Documents**
Extended Exceptions:	**Click to view Vendor Extended Exceptions Documents**

Contact us 800.695.2919

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020
Requested By: Steve Deardorff, Chief
Department: Police

○ Report ○ Resolution ◉ Ordinance

Exhibits: Public Hearing Notice
Ordinance 2020-3785 Chapter 42-Curfew for Juveniles

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	○ Yes ◉ No

SUMMARY

In accordance with Section 370.002 of the Texas Local Government Code, *Review of Juvenile Curfew Order of Ordinance*, the City of La Porte is required to hold a public hearing concerning its existing juvenile curfew ordinance every third year, beginning with the year of its adoption.

Ordinance 93-1887, which was codified as Article III, in Chapter 42 of the La Porte Code of Ordinances, has been in effect since 1993. Minor amendments were made in 2016.

The curfew ordinance prohibits any minor under the age of 18 to be in a public place, including for-profit business establishments, between the hours of 12 Midnight and 6 a.m. on any day of the week, and between the hours of 9 a.m. and 2:30 p.m. on any school day, subject to certain enumerated exceptions and defenses. Over the last four years, the below charges have been filed for violation of this ordinance with the La Porte Municipal Court:

2016 - 78 charges
2017 - 64 charges
2018 - 71 charges
2019 - 39 charges

There are three possible actions that may take place after the public hearing:

1. Re-adoption of the Ordinance as written.
2. Abolish the Ordinance.
3. Modify the Ordinance.

In the event the City Council desires to make modifications, the modified ordinance will be drawn up and brought before the Council on April 13, 2020, for approval.

Staff recommends re-adoption of the Juvenile Curfew Ordinance as written. The curfew ordinance gives us a vital tool to help us deter crime during the listed hours. Many times juveniles who are out and about within the curfew hours become victims or they are the perpetrators of crime. Also, the Ordinance gives us probable cause to check on juveniles who we believe are in violation of the ordinance and get them back home or back to school before they become victims. In addition, it gives us possible leads should we discover that crime(s) have been committed in the area in which they were previously observed.

RECOMMENDED MOTION

Move to adopt Ordinance 2020-3785 to renew the Juvenile Curfew Ordinance as written for an additional three-year term, OR

Move to abolish the Juvenile Curfew, OR

Move to modify to the Juvenile Curfew Ordinance and postpone further consideration of this item until the April 13, 2020, City Council meeting.

Approved for the City Council meeting agenda

_____ _____

Corby D. Alexander, City Manager **Date**

ORDINANCE NO. 2020-3785

AN ORDINANCE AMENDING CHAPTER 42 "MISCELLANEOUS OFFENSES" OF THE CODE OF ORDINANCES BY REVISING JUVENILE CURFEW REGULATIONS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Texas Local Government Code, Chapter 51, the City may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, and order of the municipality; and

WHEREAS, the City has previously adopted a juvenile curfew ordinance, codified as Article III, Chapter 42 of the La Porte Code of Ordinances, in the interest of public health, safety, and welfare and for the purposes of protecting juveniles and preventing juvenile crime; and

WHEREAS, Texas Local Government Code Section 370.002 requires the governing body of a municipality to review an existing juvenile curfew ordinance's effects on the community and the problems it was meant to address and hold public hearings on the need to continue the ordinance every three years; and

WHEREAS, the City Council has reviewed the Juvenile Curfew Ordinance's effects on the community and on problems it was intended to remedy; and

WHEREAS, after reviewing the City's existing juvenile curfew ordinance, it is found that re-adoption of Article III, Chapter 42 of the La Porte Code of Ordinances in its entirety is necessary to further the City's interest in protecting juveniles and preventing juvenile crime.

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

Section 1: That the City Council finds the juvenile curfew ordinance, codified as Article III, Chapter 42 of the La Porte Code of Ordinances, has a positive effect on the community and is effective in both protecting juveniles and reducing juvenile crime.

Section 2: That Chapter 42, "Miscellaneous Offenses," Article III, "Curfew for Juveniles," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"ARTICLE III. - CURFEW FOR JUVENILES

Sec. 42-71. - Findings and determinations.

(a) Persons under the age of 18 are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

(b) The city has an obligation to provide for:

(1) The protection of minors from each other and from other persons;
(2) The establishment of parental control of and responsibility for their children;
(3) The protection of the general public; and
(4) The reduction of the incidence of juvenile criminal activities.

(c) The city council has determined that a curfew for those under 18 years of age will be in the interest of the public health, safety and general welfare, and will help to attain the objectives of this section and will diminish the undesirable impact of such conduct on the citizens of the city.

Sec. 42-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but not be limited to, a fire, natural disaster, vehicular accident or a serious medical condition of sudden onset.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor means any person under 18 years of age.

Operator means any individual, firm, association, partnership, corporation or other legal entity operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means the natural parent, adoptive parent, or step-parent of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities and shops.

Remain means: (1) to linger or stay, or (2) to fail to leave a premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Sec. 42-73. - Prohibited acts; offenses.

(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place or establishment in the city:

(1) Between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week; or

(2) Between the hours of 9:00 a.m. and 2:30 p.m. on any day on which classes are in session in the La Porte Independent School District.

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsection (a) of this section.

(c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 42-74. - Defenses to prosecution under section 42-73.

It is a defense to prosecution under section 42-73 that:

(1) The minor was accompanied by his parent or guardian;
(2) The minor was accompanied by an adult designated by his parent or guardian;
(3) The minor was on an errand made necessary by an emergency;
(4) The minor was attending a school, religious or government-sponsored activity or was traveling to or from a school, religious or government-sponsored activity;
(5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
(6) The minor was on the sidewalk of the place where he resides;
(7) The minor was on an errand directed by his parent or guardian;
(8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
(9) The minor was engaged in, participating in or traveling to or from any event, function or activity for which the application of section 42-73 would contravene his rights protected by the state or United States Constitutions;
(10) The minor was married or had been married, or had disabilities of minority removed in accordance with Texas Family Code Chapter 31; or
(11) With respect to the hours between 9:00 a.m. and 2:30 p.m. only, that the offense occurred during the school summer vacation break period of the school in which the minor is enrolled; on a holiday observed by the closure of classes in the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate. or that the minor is home schooled and has permission from parent or guardian to be out in public.

(12) That the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 42-75. - Supplemental effect of article.

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Sec. 42-76. - Enforcement of article.

Notwithstanding the penal effect of this article, the chief of police is encouraged to develop alternative enforcement strategies, which may include, but need not be limited to, the return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuances of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Sec. 42-77. - Penalty for violation of article.

Any person who violates this article shall be guilty of a misdemeanor and upon conviction in the municipal court of the city shall be subject to a fine in an amount not to exceed $500.00."

Section 3: Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS ($500.00).

Section 4: Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6: 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 is 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 Chapter 551, Tx. Gov't 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 7: This ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this, the_____ day of _____, 2020.

CITY OF LA PORTE, TEXAS

_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark T. Askins, Assistant City Attorney

THE STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

NOTICE OF PUBLIC HEARING

In accordance with sec 370.002 of the Texas Local Govt. Code, *Review of Juvenile Curfew Order or Ordinance,* notice is hereby given that the City of La Porte, Texas will conduct a Public Hearing at **6:00 p.m. on the 23rd day of March, 2020**, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas. The purpose of this hearing is to receive comments regarding the city's existing Juvenile Curfew Ordinance and the La Porte City Council's decision to either abolish, modify, or re-adopt the Juvenile Curfew Ordinance as written.

Citizens wishing to address Council either for or against during the Public Hearing will be required to sign in before the meeting is convened.

CITY OF LA PORTE, TEXAS

Lee Woodward

City Secretary

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posted

This facility has disability accommodations available. Requests for interpretive services at meetings should be made 48 hours prior to the meeting. Please contact the City Secretary's office at (281)471-5020 or TDD Line (281) 471-5030 for further information.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020

Requested By: Michael Dolby, Director

Department: Finance

◉ Report ○ Resolution ○ Ordinance

Exhibits: Matrix, Evaluation Form and Performance Records

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	○ Yes ◉ No

SUMMARY

The Request for Proposal (RFP #20503) in relation to Delinquent Ad Valorem "Property" Tax Collections Services was advertised in the Bay Area Observer on December 19 & 26, 2019 and posted on Public Purchase and the City's website. The City received proposals from two (2) vendors, Linebarger Goggan Blair & Sampson, LLP (Linebarger), which is the City's current delinquent tax firm, and Perdue Brandon Fielder Collins & Mott LLP (Perdue). The proposals were evaluated using an approved matrix. Each vendor were evaluated based on:

1. Demonstrated results of the performance of the firm for delinquent tax collections. Based on a 3-year (2016-2019) tax year summary for 4 surrounding existing municipal clients of delinquent tax collections that have been achieved This criteria evaluates collection records and evaluates delinquent collections, excluding penalties and interest, as a percentage of total delinquent taxes receivable. (max 30 points)
2. Proven experience in the field of delinquent property tax collections. (max 25 points)
3. Experience of personnel assigned to the City's account in connection with the collection of delinquent taxes. (max 20 points)
4. Historical performance levels and demonstrated capabilities, which focuses on litigation records. These are factors based on the percentage of primary suits filed from July 1, 2016 to June 30, 2019 from four (4) surrounding existing municipal clients. Additionally, the historical performance highlights the number of dismissals, which is an important factor of the firm's ability to resolve delinquent accounts and collect taxes prior to a suit being filed. (max 20 points)
5. Clarity of proposal and supporting data. (max 5 points)

City Council voted at the March 9, 2020, meeting to postpone action on selection to allow staff to include City of La Porte Information in the evaluation. The below is a

summary of the original and corrected data from Linebarger compared to the Perdue data. As requested, staff has provided the last three (3) year data from Perdue (July 1, 2013 through June 20, 2016). However, Linebarger was only able to provide two (2) year data from July 1, 2017 through June 30, 2019 for collection records, but able to provide three (3) year data for litigation records.

	Linebarger Original Average	**Linebarger Corrected Average**	**Perdue Average**	**2-Year COLP Linebarger Average**	**3-Year COLP Perdue Average**
Collection Records:					
# of Accounts	1,861	1,861	1,356	6,270	7,198
Beginning Delinquent Taxes Receivable	$1,105,732	$1,105,732	$663,957	$1,181,104	$998,688
Total Delinquent Taxes Collected	$515,341	$515,341	$383,210	$586,757	$397,999
Total Penalties & Interest Collected	$81,817	$81,817	$116,266	$112,173	$182,360
Collection %	46%	46%	61%	53.67%	39.89%
Litigation Records:					
Suits Filed	113	81	28	97	293
Primary Suits Filed	68	68	24	47	278
Intervenor Suits	14	14	5	50	15
Number of Demand Letters	870	870	8	3,263	65
Dismissals	0	45	13	36	85
% of Primary Suits Filed	67%	76%	80%	46.37%	94.61%

Upon adding the City of La Porte collection and litigation data, the rating remained unchanged with Linebarger scoring 70 and Purdue 100.

RECOMMENDED MOTION

I move to award RFP #20503 for Delinquent Ad Valorem Tax Collection Services to Perdue Brandon Fielder Collins & Motts LLP.

OR

I move to award RFP #20503 for Delinquent Ad Valorem Tax Collection Services to Linebarger Goggan Blair & Sampson, LLP.

Approved for the City Council meeting agenda

_____ _____

Corby D. Alexander, City Manager **Date**

PERFORMANCE RECORD

PERDUE BRANDON FIELDER COLLINS & MOTT LLP

	Pearland	Friendswood	Rosenberg	Bellaire	July 1, 2016 - June 30, 2017 Average	Pearland	Friendswood	Rosenberg	Bellaire	July 1, 2017 - June 30, 2018 Average	Pearland	Friendswood	Rosenberg	Bellaire	July 1, 2018 - June 30, 2019 Average	3 Year Average
Collection Records																
Number of Accounts	2203	998	1460	603	1316	2330	975	1380	618	1326	2546	943	1547	665	1425	1356
Beginning Delinquent Taxes Receivable for all delinquent tax years on July 1.	$1,304,127	$493,172	$308,692	$262,489	$592,120	$1,515,875	$481,119	$314,400	$381,178	$673,143	$1,659,595	$489,894	$363,900	$393,040	$726,607	$663,957
Total Delinquent Taxes Collected	$631,096	$366,526	$189,492	$156,252	$335,842	$848,975	$325,681	$212,618	$223,251	$402,631	$861,342	$326,162	$216,371	$240,755	$411,158	$383,210
Total Penalties and Interest Collected	$216,981	$88,328	$78,749	$35,300	$104,840	$272,435	$82,132	$75,192	$70,601	$125,090	$255,403	$76,873	$81,950	$61,249	$118,869	$116,266
Collection Percentage (DTC/DTR) for all delinquent tax years	48.39%	74.32%	61.39%	59.53%	60.91%	56.01%	67.69%	67.63%	58.57%	62.47%	51.90%	66.58%	59.46%	61.25%	59.80%	61%
Litigation Records																
Suits Filed	37	19	33	7	24	32	11	38	8	22	66	6	59	22	38	28
Primary Suits Filed	31	19	27	5	21	25	11	27	2	16	65	6	49	15	34	24
Intervenor Suits	6	0	6	2	4	7	0	11	6	6	1	0	10	7	5	5
Number of Demand Letters	19	0	5	1	6	10	4	17	4	9	16	6	8	5	9	8
Dismissals	17	7	23	3	13	18	7	29	2	14	15	7	22	8	13	13
Precentage of Primary Suits Filed	83.78%	100.00%	81.82%	71.43%	84.26%	78.13%	100.00%	71.05%	25.00%	68.54%	98.48%	100.00%	83.05%	68.18%	87.43%	80%

PERFORMANCE RECORD
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

	Dickinson	Galveston	League City	Kemah	July 1, 2016 - June 30, 2017 Average	Dickinson	Galveston	League City	Kemah	July 1, 2017 - June 30, 2018 Average	Dickinson	Galveston	League City	Kemah	July 1, 2018 - June 30, 2019 Average	3 Year Average
Collection Records																
Number of Accounts	1097	3701	2334	217	1837	1124	3879	2440	214	1914	1184	3535	2376	228	1831	1861
Beginning Delinquent Taxes Receivable(DTR) for all delinquent tax years on July 1.	$326,000	$2,191,891	$1,323,814	$70,189	$977,974	$343,015	$2,223,746	$1,513,476	$68,775	$1,037,253	$391,784	$2,953,200	$1,815,952	$46,939	$1,301,969	$1,105,732
Total Delinquent Taxes Collected(DTC)	$117,346	$1,423,005	$810,101	$43,968	$598,605	$138,839	$716,276	$436,853	$41,293	$333,315	$153,400	$1,610,278	$677,839	$14,889	$614,102	$515,341
Total Penalties and Interest Collected	$ 28,194	$204,572	$98,982	$4,766	$84,129	$40,525	$169,676	$58,206	$4,031	$68,110	$29,267	$222,705	$118,492	$2,391	$93,214	$81,817
Collection Percentage (DTC/DTR) for all delinquent tax years	36.00%	64.92%	61.19%	62.64%	56.19%	40.48%	32.21%	28.86%	60.04%	40.40%	39.15%	54.53%	37.33%	31.72%	40.68%	46%
Litigation Records																
Suits Filed	102	325	165	16	152	46	183	84	14	82	53	293	69	6	105	113
Primary Suits Filed	56	115	66	8	61	35	136	68	11	63	43	219	53	5	80	68
Intervenor Suits	11	2	33	4	13	20	0	37	3	15	19	2	37	4	16	14
Number of Demand Letters	986	2157	1023	324	1123	1014	1489	698	210	853	426	1376	648	94	636	870
Dismissals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Precentage of Primary Suits Filed	54.90%	35.38%	40.00%	50.00%	45.07%	76.09%	74.32%	80.95%	78.57%	77.48%	81.13%	74.74%	76.81%	83.33%	79.01%	67%

PERFORMANCE RECORD-UPDATED
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

	Dickinson	Galveston	League City	Kemah	July 1, 2016 - June 30, 2017 Average	Dickinson	Galveston	League City	Kemah	July 1, 2017 - June 30, 2018 Average	Dickinson	Galveston	League City	Kemah	July 1, 2018 - June 30, 2019 Average	3 Year Average
Collection Records																
Number of Accounts	1097	3701	2334	217	1837	1124	3879	2440	214	1914	1184	3535	2376	228	1831	1861
Beginning Delinquent Taxes Receivable(DTR) for all delinquent tax years on July 1.	$326,000	$2,191,891	$1,323,814	$70,189	$977,974	$343,015	$2,223,746	$1,513,476	$68,775	$1,037,253	$391,784	$2,953,200	$1,815,952	$46,939	$1,301,969	$1,105,732
Total Delinquent Taxes Collected(DTC)	$117,346	$1,423,005	$810,101	$43,968	$598,605	$138,839	$716,276	$436,853	$41,293	$333,315	$153,400	$1,610,278	$677,839	$14,889	$614,102	$515,341
Total Penalties and Interest Collected	$ 28,194	$204,572	$98,982	$4,766	$84,129	$40,525	$169,676	$58,206	$4,031	$68,110	$29,267	$222,705	$118,492	$2,391	$93,214	$81,817
Collection Percentage (DTC/DTR) for all delinquent tax years	36.00%	64.92%	61.19%	62.64%	56.19%	40.48%	32.21%	28.86%	60.04%	40.40%	39.15%	54.53%	37.33%	31.72%	41%	46%
Litigation Records																
Suits Filed	64	117	99	12	73	55	136	105	14	78	52	221	90	9	$93	81
Primary Suits Filed	53	115	66	8	61	35	136	68	11	63	43	219	53	5	$80	68
Intervenor Suits	11	2	33	4	13	20	0	37	3	15	19	2	37	4	$16	14
Number of Demand Letters	986	2157	1023	324	1123	1014	1489	698	210	853	426	1376	648	94	$636	870
Dismissals	46	210	99	8	91	11	47	16	3	19	10	74	16	1	$25	45
Precentage of Primary Suits Filed	82.81%	98.29%	66.67%	66.67%	78.61%	63.64%	100.00%	64.76%	78.57%	76.74%	82.69%	99.10%	58.89%	55.56%	74.06%	76%

PERFORMANCE RECORD

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

CITY OF LA PORTE	July 1,2016-June 30, 2017	July 1, 2017-June 30, 2018	July 1, 2018-June 30-2019	2 Year Average
Collection Records				
Number of Accounts		6313	6227	6270
Beginning Delinquent Taxes Receivable(DTR) for all delinquent tax years on July 1.	Report not available*	$1,246,362	$1,115,846	$1,181,104
Total Delinquent Taxes Collected(DTC)	$503,202	$566,148	$690,920	$586,757
Total Penalties and Interest Collected	$ 101,904	$122,881	$111,733	$112,173
Collection Percentage (DTC/DTR) for all delinquent tax years	Report not available*	45.42%	61.92%	53.67%
Litigation Records				
Suits Filed	80	117	94	97
Primary Suits Filed	11	67	64	47
Intervenor Suits	69	50	30	50
Number of Demand Letters	0	5119	4670	3263
Dismissals	16	43	48	36
Precentage of Primary Suits Filed	13.75%	57.26%	68.09%	46.37%

*Linebarger could not provide the information for this time period

PERDUE BRANDON FIELDER COLLINS & MOTT, LLP

CITY OF LA PORTE	July 1,2013-June 30, 2014	July 1, 2014-June 30, 2015	July 1, 2015-June 30-2016	3 Year Average
Number of Accounts	7846	6895	6853	7198
Beginning Delinquent Taxes Receivable(DTR) for all delinquent tax years on July 1.	$1,015,993	$1,026,752	$953,318	$998,688
Total Delinquent Taxes Collected(DTC)	$333,334	$457,061	$403,602	$397,999
Total Penalties and Interest Collected	$ 171,046	$177,948	$198,085	$182,360
Collection Percentage (DTC/DTR) for all delinquent tax years	32.81%	44.52%	42.34%	39.89%
Litigation Records				
Suits Filed	347	258	273	293
Primary Suits Filed	338	240	255	278
Intervenor Suits	9	18	18	15
Number of Demand Letters	95	52	47	65
Dismissals	75	108	72	85
Precentage of Primary Suits Filed	97.41%	93.02%	93.41%	94.61%

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020

Requested By: Mayor Rigby

Department: City Council

(•) Report ( ) Resolution ( ) Ordinance

Exhibits:

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	( ) Yes (•) No

SUMMARY

The City Council appoints the City Manager, City Secretary, Municipal Judge, and City Attorney. The City Manager, City Secretary, and Municipal Judge receive an annual evaluation. Last year the Municipal Judge was evaluated on April 1st, the City Manager was evaluated on July 7th and the City Secretary was evaluated on July 22nd. With the election occurring on May 2, 2020, I wanted to have a discussion with Council concerning the process to evaluate these three positions in 2020.

RECOMMENDED MOTION

I move to direct the Human Resource Manager to revise the process for the 2020 evaluations for the City Manager, City Secretary, and Municipal Judge.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager **Date**

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020
Requested By: Mayor Rigby
Department: City Council

○ Report ○ Resolution ◉ Ordinance

Exhibits: Ord. 2020-3786
Adopted Rules of Procedure

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	○ Yes ◉ No

SUMMARY

Following extensive review, the City Council Rules of Procedure and Ethics Policy were updated and adopted as a combined document at the January 13, 2020, City Council meeting. The most current edition of *Robert's Rules of Order, Newly Revised* (RONR) was adopted as the parliamentary authority, and no inclusion was made to provide for a special rule of order for other limits on debate.

RONR provides that members "having obtained the floor while a debatable motion is immediately pending, can speak no longer than ten minutes unless [the member] obtains consent of the assembly." (p. 387, ll. 31-34) and that "[u]nless the assembly has a special rule providing otherwise, no member can speak more than twice to the same question on the same day…" (p. 388, last line-389, ll.2).

At the March 9, 2020, City Council meeting, Mayor Rigby announced that the Council would follow the RONR limit on debate until it could consider a revision to the adopted Rules of Procedure. A majority vote of the Council is required for adoption of a special rule of order for its proceedings.

NOTE - Regardless of what is adopted, the Council, Section 8 of the Rules of Procedure allows that the Council may temporarily suspend any provision of the document not otherwise governed by the City Charter, City Code, or other law with a two-thirds vote. (This is in accordance with RONR as well, which also notes that an assembly may choose to vote to limit or extend the limits of debate, for a pending question or for a single session, with a two-thirds vote.)

RECOMMENDED MOTION

I move to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting new language as 6.06 (F) to provide for the general limits of debate as follows: *(the motion may be on the number of times a member may speak on an immediately pending question, length of time a member speaks, overall length of debate for a question, overall number of speakers for/against a question, or some combination of these variables)*.

ORDINANCE NO. 2019-3786

AN ORDINANCE AMENDING THE CITY COUNCIL'S ADOPTED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS; AMENDING AN ETHICS AND CONFLICT OF INTEREST POLICY FOR CITY OFFICIALS AND EMPLOYEES; FINDING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 2.07. Meetings. b. *Rules.* of the City Charter of the City of La Porte provides that "City council shall determine its own rules and order of business."; and

WHEREAS, the City Council adopted Ordinance 2019-3758 on January 13, 2020, updating the organization and procedures for City Council meetings as a combined document with their Ethics Policy; and

WHEREAS, the passage of time has allowed for additional review of legislation and consideration of suitable rules and guidelines for the procedures of City Council meetings and the conduct of members of Council at all times.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. The Rules of Procedure for the City Council of the City of La Porte are hereby amended as attached.

Section 2. Open Meetings Act Notice. 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 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 3. Repeal. Ordinance 2020-3758 are repealed as of the effective date hereof. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 4. **Effective Date.** This ordinance shall take effect immediately upon its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2020.

CITY OF LA PORTE, TEXAS

_____
Louis R. Rigby, Mayor

ATTEST:

_____

APPROVED AS TO FORM:

_____

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

CITY COUNCIL
RULES OF PROCEDURE
AND ETHICS POLICY

Amended January 13, 2020, by Ord. 2019-3758
First Adopted July 28, 2003

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Section 1 – GENERAL

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens, and visitors.

Section 2 – AUTHORITY

The City Charter of La Porte, Texas, provides in Article II. City Council, Section 2.07 that the Council "shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month." and that the Council "shall determine its own rules and order of business." Thus, these rules of procedure are established. In the event of any conflict between the City Charter and these rules of procedure, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of *Robert's Rules of Order Newly Revised* (RONR). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter, or state law, the Council will refer to RONR, which shall determine such procedural issue.

Section 3 – MEETINGS

The City Council shall follow both the letter and the spirit of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).

3.01. Regular Meetings.

(A) Time. The City Council will generally hold regular meetings on the second and fourth Monday of each month, at 6:00 p.m.

(B) Place. All regular, special, and workshop meetings of the City Council shall be held in the Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, Texas, unless otherwise directed by City Council, or required by law.

3.02. Special Meetings. The Mayor on his/her own motion or at the request of the City Manager shall call special meetings of the City Council whenever in their opinion the public business may require it, or at the express written request of any three (3) members of the City Council. Such written request shall be filed with the City Secretary, and shall contain the agenda item requested for the special meeting. Whenever a special meeting shall be called, notice shall be given.

3.03. Agenda. The Mayor, the City Manager, the City Secretary, or the City Attorney, or any three (3) members of the City Council by written request, may place an item on a City Council agenda. The written request shall include a clear description of the proposed action by the Council (in the form of a proposed motion), or shall clearly state the item is for discussion purposes only, shall be of sufficient detail to allow staff to contribute background information on the topic, and shall be filed with the City Secretary by 5:00 p.m., Thursday, two weeks prior to the Monday night City

Council meeting (and a commensurate period for special meetings). Deviations from the deadlines, or the submission of additional items either past the established deadlines or once the agenda has been posted, should be exceedingly rare and of a clearly significant nature. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall also be delivered to the City Secretary on the same schedule.

The City Secretary will coordinate the placement and content of items on the agenda with the City Manager, who will resolve any conflicts with Mayor and Councilpersons. Agenda items may be removed only by the person(s) who initially placed that item on the agenda.

Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner timely enough to allow for their review prior to this submittal deadline above

Section 4 - STANDARDS OF CONDUCT

4.01. City Councilpersons.

It is important that Councilpersons demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. All members of the City Council have equal votes and all Councilpersons speak only for themselves.

4.02. Council Relations with the Media.

All City press releases, media advisories, story suggestions, or similar items should go through the City Secretary's office for distribution, with exception of factual police department bulletins which designated officers may send directly, with copy to the City Secretary.

Section 5 – DUTIES AND PRIVILEGES OF COUNCILPERSONS

5.01. Seating Arrangement.

The Mayor shall determine seating of the Council and Charter Officers.

5.02. Conflict of Interest.

A City Councilperson prevented from voting by a conflict of interest, shall step down from the dais and leave the room (per Sec. 3(c)(4) of the City's adopted Ethics Policy, attached as Appendix A), shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest including Chapter 171 of the Local Government Code.

5.03. Voting.

(A) When a vote is called, every member present shall vote either "Aye" or "No" or shall abstain.

(B) Any vote to which there is an objection shall be taken by counted vote; except that, on the

demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present.

Section 6 - CHAIR AND DUTIES

6.01. The Presiding Officer - Duties. The presiding officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He/She shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He/She shall be entitled to vote on all questions. He/She shall sign all ordinances and resolutions adopted by the Council during his/her presence. In the event of the absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.

6.02. Call to Order - Presiding Officer. The Mayor, or in his/her absence, the Mayor Pro Tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor and the Mayor Pro Tem, the City Secretary, or his/her Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

6.03. Roll Call. Before proceeding with the business of the Council, the City Secretary, or his/her deputy shall note in the minutes the names of those present. Late arrivals or departures of Council members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

6.04. Quorum. A majority of all of the members of City Council shall constitute a quorum at any regular or special meeting of the Council, except where provided otherwise under state law. In the absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present, compel the attendance of absent members.

6.05. Order of Business. All meetings of the Council shall be open to the public, in accordance with the Texas Open Meetings Act. Promptly at the hour set on the day of each regular meeting as posted as required by law, the members of the Council, the City Secretary, the City Attorney, the Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the business of the Council shall generally be taken up for consideration and disposition in the following order:

1. Call to Order
2. Invocation and Pledges of Allegiance
3. Proclamations and Presentations
4. Citizen Comment
5. Consent Agenda (Any member of the Council may remove any item from the Consent Agenda for discussion.) These items are typically routine in nature.
6. Statutory Agenda
7. Reports of City Officers and Staff
8. Administrative Reports
9. Items of Community Interest (in accordance with state law)

10. Executive and/or workshop sessions (as appropriate)
11. Reconvene in public session (as needed following executive sessions)
12. Adjournment

6.06. Rules of Debate.

(A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilperson by reason of his/her acting as the Presiding Officer.

(B) Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(D) Remarks of Councilperson-When Entered in Minutes. A Councilperson may request, through the Presiding Officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(E) Synopsis of Debate - When Entered in Minutes. The City Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

6.07. Addressing the Council.

(A) Citizen Comment - Before each meeting of City Council the City Secretary shall make Citizen Comment forms available, on which any taxpayer or resident, or his/her authorized representative, or any member of the public, may sign his/her name and address, and indicate the subject matter on which he wishes to speak.

Individuals may address the Council by oral communication by completing all requested information on the Citizen Comment form and placing it at the City Secretary's desk on the dais, not later than five (5) minutes before commencement of the meeting.

Each person addressing the Council shall step up to the podium, shall give his/her name and address for the record, and, unless further time is granted by the Council, shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City Manager, for further handling.

Persons wishing to address the Council on more than one agenda item or topic in a single meeting must speak on all such agenda items or topics during their presentation. Additional time is not given for additional items (however, emailing, writing, calling, or visiting with Councilpersons outside of meetings is, of course, unlimited). This requirement does not restrict anyone from also speaking at any public hearing (see additional information below). Subject to the foregoing, the City Council shall not place limits on discussion of specific subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or otherwise discriminate against a particular point of view.

(B) Public Hearings - Public hearings provide municipal residents and affected parties an opportunity to be heard, typically on certain land use items or the annual adoption of the municipal budget and tax rate.

There is not a form or sign up requirement for public hearings at City Council meetings. Each person addressing the Council shall step up to the podium and shall give his/her name and address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City Manager for further handling.

6.08. Silence Constitutes Affirmative Vote. Unless a member of the Council states that he is not voting, his/her silence shall be recorded as an affirmative vote.

6.09. Decorum.

(A) By Councilpersons. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

(B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, subject to loss of speaking privileges unless permission to continue be granted by a majority vote of the Council.
Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Disruptive verbal and/or non-verbal reactions from the audience during staff presentations to the Council and during debate between Councilpersons are inappropriate and are not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.

No offensive, vulgar, or distracting placards, banners, signs, or apparel shall be permitted to be erected or displayed by persons in attendance in the City Council chamber or in any other room in which the City Council is holding a meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council are permitted.

6.10. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer unless otherwise directed by a majority vote of the Council, it shall be the duty of the designated Sergeant(s)-at-Arms to remove any person who violates the order and decorum of the meeting.

6.11. Special Committees. The establishment of and appointment of members to all special committees shall be decided by a majority vote of the Council, unless otherwise prescribed by the City Charter or other action of the Council.

6.12. Ordinances, Resolutions, and Contracts.

(A) All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his/her authorized representative, and shall have been examined and approved for administration by the City Manager or his/her authorized representative, where there are substantive matters of administration involved.

(1) Ordinances, resolutions, and other matters or subjects requiring action by the Council must initially be produced/written, introduced, and sponsored per the guidelines of 3.03 Agenda, above.

(2) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practical all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

6.13. Reports and Resolutions to be Filed with the City Secretary. All reports and resolutions shall be filed with the City Secretary and entered on the minutes.

Section 7 – CITY COUNCIL COMMITTEES

7.01. Council Committees Established.

(A) The following standing committees of the City Council are established:

(1) Fiscal Affairs Committee
(2) Drainage and Flooding Committee

(B) Each standing committee shall review matters in its area of responsibility that are referred to it by the City Council or the City Manager. A standing committee may, by majority vote, recommend action to the City Council, but committee recommendation is not necessary for a matter to be placed on the City Council agenda. The committee chair may make a statement on behalf of the committee on an item in a meeting of the Council.

7.02. Appointment. Appointment to and composition of the committees has been established through prior Council action and may be amended by such.

7.03. Council Committee Meetings.

(A) Council standing committees shall meet as necessary. The quorum of Council committees will be a majority of the members serving. Except when serving during a meeting for an absent member, an alternate to the committee should not be seated at the dais, nor participate in discussion or vote.

(B) The committee chair shall develop committee meeting agendas through coordination with fellow committee members and appropriate supporting staff members. The committee chair will coordinate with the City Secretary to ensure that the committee meeting agenda is posted as appropriate.

7.04. Council Ad Hoc Committees. The Mayor may appoint ad hoc committees from time to time to study and review specific issues. The Mayor shall determine the number of members and appoint a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally announce the establishment of any ad hoc committee along with his/her appointments to that committee in a session of Council prior to the committee convening to conduct business.

Section 8 – RULES SUSPENSION

Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the City Council present.

APPENDIX A
ETHICS POLICY

Section 1. Policy and purposes.

(A) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality, or devotion to the best interest of the city and the public trust which the city holds.

(B) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.

(C) This code of ethics has three purposes:

(1) To encourage ethical conduct on the part of city officials and employees;

(2) To encourage public service with the city;

(3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;

(D) 'This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

Section 2. Definitions.

In this policy:

Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

Economic interest includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee

an *economic interest* in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an *economic interest* in the securities or other assets unless the person in question participates in the management of the fund.

Employee means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, but not including any independent contractor.

Immediate family members means the spouse, children, brothers, sisters, and parents (including any such step- or half- relations) of an officer or employee.

Officer or *official* means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law.

Section 3. Prohibition against involvement in actions affecting economic interests.

(A) *General rule.* It shall be a violation of this policy for a city official or employee to participate in any proceedings or take any official action that he or she knows is likely to:

(1) Affect an economic interest of:

(a) The official or employee;

(b) His or her immediate family member;

(c) A member of his or her household;

(d) An outside employer of the official or employee or of his or her immediate family member;

(e) A business entity in which the official or employee or his or her immediate family member holds an economic interest;

(f) A business entity for which the city official or employee serves as an employee, officer or director, or otherwise functions in any policy making position; or

(g) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or

(2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on other employees or officials, members of the public in general or a substantial segment of the public.

(B) *Meaning of "affect".*

(1) In subsection (a)(l) above, an action is likely to affect an official's or employee's economic interest if it meets all of the following:

(a) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on other employees or officials, members of the public in general or a substantial segment of the public.

(b) The effect of the action on that interest is direct, and not secondary or indirect.

However, the action need not be the only producing cause of the effect in order for the effect to be direct.

(c) The effect on the interest must be more than insignificant or de minimis in nature or value.

(2) In determining whether a person, entity or property is or was affected by an official's or employee's participation in proceedings, vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.

(C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or state law if he/she participated in proceedings or took an action, must abstain from participation in the action in accordance with the following:

(1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;

(2) Promptly file necessary documentation disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;

(3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and

(4) Promptly disclose the interest triggering the recusal, if the person is a member of the city council, a city board or commission, to other members of the city council, board or commission, and leave the room in which the city council, board or commission is meeting during the board or commission's discussion of or voting on, the matter.

(D) No prohibition established in this section shall be construed to prevent members of city council, or the appointees to any board or commission of the city, or a city employee, from voting on or participating in a matter relating to the adoption of laws, rules and/or policies that apply generally to all employees, officials and/or members of the public and the effect of which dos not confer a benefit on the official or employee that is distinguishable from the effect on other employees, officials or members of the public or a substantial segment of the public.

Section 4. Standards of conduct.

(A) *Standards for immediate family members.* A city official or employee commits a violation of this policy if an immediate family member, with the official's or employee's knowledge, intentionally or knowingly:

(1) Solicits, accepts or agrees to accept from another person any benefit that the member's immediate family member, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;

(2) Misuses any official information obtained from the member's immediate family member, who is a city officer or employee, to which the -immediate family member has access by virtue of the immediate family member's office or employment and that has not been made public, in a manner prohibited as to the immediate family member under state law; or

(3) Misuses, as the term “misuse” is defined in Texas Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's immediate family member who is a city officer or employee.

(B) *Representation and appearance at meetings.* No city official or employee shall knowingly:

(1) Appear before the body of which the officer or employee is a member, or otherwise participate in any proceedings, as a representative for any private person, including the officer or employee or any immediate family member, except that an official or employee may represent their interests in their own property before a board, agency, commission or department of the city.

(2) Participate in any proceedings, directly or indirectly, wherein the official or employee represents the interests of any outside employer, business entity, group or interest in any matter, action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;

(3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or

(4) Make a false statement of material fact at a public meeting. This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(C) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any outside employer, business entity, group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their own property before a board, agency, commission or department of the city.

(D) Representation in municipal court. In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:

(1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.

(2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(E) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter

before the planning and zoning commission involving land use or development. This subsection does not apply to members representing their interests in their own property.

(F) *Prohibited use of city position.* A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

Section 5. Contracts with city; eligibility for appointment or election to office.

(A) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.

(B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:
   (1) All or a majority of the governing body of the entity or organization is appointed by the city council;
   (2) The city provides more than one-half of the operating funds of the entity or organization;
   (3) The city has approval authority over purchasing decisions made by the entity or organization;
   (4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or
   (5) The city has approval authority over the budget of the organization.

(C) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: March 23, 2020
Requested By: Mayor Rigby
Department: City Secretary's Office

◉ Report ○ Resolution ○ Ordinance

Exhibits: Governor's proclamation
Sec. of State Election Advisory No. 2020-12

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	○ Yes ◉ No

SUMMARY

Per the situation surrounding international response to the COVID-19 pandemic, Gov. Greg Abbott issued a proclamation on March 18, 2020, "*suspending Sections 41.0052(a) and (b) of the Texas Election Code … to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office … under the authority of this proclamation.*"

The governor's proclamation does not mandate that governing bodies postpone May elections, it only provides the option to do so.

Some items to consider:
- It is not possible to know if the restrictions on congregation will be extended, if there will be additional cases, or who may be affected.
- November is potentially cold/flu season again and the effects of warm weather on COVID-19 have not been confirmed as absolute, as far as staff has been able to determine.
- A majority of the City's election workers are seniors who may or may not be more likely to contract the virus and may or may not be concerned about working in the polling locations.
- Sanitation supplies are back-ordered, perhaps for some time.
- Elected officials who expected their terms to end in May/June may or may not be willing to serve through the holdover period/end of the year.
- The CSO has reached out to the Sec. of State to determine if, should the election remain in May, the Council can consolidate early voting and/or election day polling places into a single location. It is likely that there will be increased demand for curbside voting and a possibility of a reduction in election workers due to illness or concern about COVID-19. A single polling location at City Hall would make it easier for CSO staff to assist if it was difficult to have enough election workers.
- While voter turnout is expected to be high in November, there will also be a lot of attention paid to national races.

- In November elections, per EC 43.004, "*the political subdivision shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the political subdivision.*" (this section also interacts with EC 42.002(a)(5), EC 42,0621, and also H.B.1048 from the 2019 legislative session, which modified EC 85.010 (b)(2), meaning that Harris County chooses the polling locations in La Porte. Staff will recommend and Harris County will likely designate the locations typically used (City Hall, LPISD ITC, LPISD College Park), but, ultimately, the decision is not exclusively the City's.

EC Sec. 42.002. REQUIRED USE OF COUNTY PRECINCTS.
(a) The county election precincts are the election precincts for the following elections:
(5) as provided by Section 42.0621, any other election held by a political subdivision on a uniform election date.
EC Sec. 42.0621. PRECINCTS FOR ELECTIONS HELD ON NOVEMBER UNIFORM ELECTION DATE.
(a) In an election held on the November uniform election date, the political subdivisions to which Section 42.002(a)(5) applies shall use the regular county election precincts.
Sec. 85.010. EARLY VOTING POLLING PLACE FOR CERTAIN ELECTIONS HELD BY POLITICAL SUBDIVISIONS.
(a) This section applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:
(1) is not holding a joint election with a county in accordance with Chapter 271; and
(2) has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.
(a-1) In this section, "eligible county polling place" means an early voting polling place, other than a polling place established under Section 85.062(e)[which is for temporary branch early polling places], *established by a county.*
(b) A political subdivision that holds an election described by Subsection (a):
(1) shall designate as an early voting polling place for the election an eligible county polling place located in the political subdivision; and
(2) may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.
(c) A shared polling place established under Subsection (b) that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Section 85.002 for the political subdivision making the designation.

POSSIBLE ACTION

No action is necessary to leave the election date as May 2, 2020.

If the desire is to postpone the election to November, a possible motion is:

I move that the City Council direct staff to bring forward for consideration an ordinance to postpone the May 2, 2020, General Election to November 3, 2020, as per the provisions of Governor Abbott's March 18, 2020, proclamation and the direction of the Texas Secretary of State.

GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK
MAR 18 2020
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

> A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor 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 for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority 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.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00am O'CLOCK

MAR 18 2020

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

ELECTION ADVISORY
N0. 2020-12

TO: Election Officials

FROM: Keith Ingram, Director of Elections

DATE: March 18, 2020

RE: Actions for May 2, 2020 Uniform Election Date

The purpose of this advisory is to provide guidance to local political subdivisions regarding their options for any general or special elections that have been ordered for the May 2, 2020 uniform election date. Pursuant to Section 418.016 of the Texas Government Code, the Governor has issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date. Pursuant to Texas Election Code 31.003 and 31.004, our office has issued the following guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date.

Effect of Postponement of Election

- **Candidate Filings:** By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does **not** have the effect of reopening candidate filings.
    - **Deadlines related to Candidate Filings, Declarations of Ineligibility, Withdrawals or Death:** The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.
- **Ballot By Mail Requests:** All applications for a ballot by mail (ABBMs) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed. However, we would recommend that the political subdivision send a letter to these voters along with a new ABBM in case the circumstances

surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

- **Ballots by Mail:** If a political subdivision has already sent out mail ballots, those mail ballots that are returned would still be valid for the November 3, 2020 postponed election date.
- **Election Records:** All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots shall be retained and preserved.
    - **Printed Ballots:** If your ballots have already been printed up, you may be able to reuse them for November. However, if you must change your ballot to reflect any corrections or changes that occur between now and November, you would treat the original ballots as you would in a traditional ballot correction and those ballots should be destroyed in accordance with Section 52.0064 of the Texas Election Code.
- **Requirement to use County Election Precincts in November 2020:** Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
- **Requirement for County Election Officer to contract with Local Political Subdivisions:** All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.
- **Office Hours:** The relevant dates for maintaining office hours for election purposes will be based on the November uniform election date rather than the May election date. Under Section 31.122 of the Texas Election Code, those office hours will need to be maintained for at least three hours each day, during regular office hours, on regular business days between September 14, 2020 and December 13, 2020. However, these entities should post contact information for individuals to contact their office about election-related issues during the timeframe that those offices may be closed over the coming months.
- **Holdovers in Public Office:** Under Art. XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public offices that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until the new officers take their oaths of office, following the November uniform election date.
- **Campaign Finance Filings:** Please contact the Texas Ethics Commission for further guidance on how these modified timelines will affect any campaign finance reporting requirements. Their office can be reached at (512) 463-5800.
- **Candidates on the ballot in both May and November:** For candidates that may be running for two offices (one normally occurring in May and one normally occurring in November), these candidates will not be removed from the ballot as they are separate elections that are normally not occurring on the same date.

Required Action by Governing Body to Move Election Date

In order to utilize this move, the governing body of the political subdivisions holding the elections must **order** the postponement of their election to the November 3, 2020 uniform election date. The order for this official action should contain the following items:

1. A reference to the proclamation that authorizes the entity to postpone their election date, and the fact that the political subdivision is exercising this authority.
2. Confirmation that the candidate filings for the election will remain valid for the election held on the November date and that the filing period will not be re-opened for the November election date.
3. Confirmation that all ABBMs for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county would not be valid for the postponed election.
4. The major relevant dates for the November election, including the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 – October 30, 2020).

Necessary Revisions to Order of Election

In addition, the entity will need to meet by August 17, 2020 to make any necessary revisions to the entity's original order of election. Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

If you are holding a bond election, you may need to make additional revisions to your order of election for that bond election. If this is the case, we recommend reaching out to your bond counsel for additional guidance.

Securing Election Records

All election records should be stored and secured during the postponement period. This may require your entity to use preservation methods that are similar to the methods you would use during the preservation period after the election has occurred. This includes:

- Storing returned ballots by mail in locked, sealed ballot boxes.
- Securely storing any unused ballots.
- Securely retaining any relevant election records, including candidate applications and ABBMs.

Voting System Equipment

If you are leasing voting system equipment from the county or directly from the vendor, then you may need to contact your vendor or your county regarding any necessary modifications to those lease agreements or to modify your procedures and timelines for receiving that equipment.

Open Meeting Requirements

The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the entity to establish procedures for telephonic or videoconferenced meetings of governmental bodies that are accessible to the public.

These procedures must include a process for members of the public to participate and address the governmental body in those meetings, notice to the public on the means of participating remotely, and access to the public for recordings of those meetings.

For more information, please review the applicable documentation from the Governor's Office or contact the Office of the Attorney General.

Update Official Websites and Notify Media

Any entities that are exercising this authority to postpone their election date must post notice on the entity's website and should alert any local media organizations regarding this change to their election date.

The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008. If that election date will be changing due to the entity's decision to postpone the election then the entity must provide a revised notice to the county for posting on the county's website.

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

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