

LOUIS 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 SPECIAL MEETING AGENDA

Notice is hereby given of a special meeting of the La Porte City Council to be held March 30, 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 COVID-19 recommendations from the CDC and Texas Governor Greg Abbott's Executive Orders, the City of La Porte is observing guidelines to 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 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 Clark Askins, Assistant City Attorney.

PLEDGES – Will be led by Councilmember Danny Earp.

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. STATUTORY AGENDA

(a) Presentation, discussion, and possible action to approve an extension of the disaster declaration issued by the Mayor on March 13, 2020, in connection with COVID-19. [Corby Alexander, City Manager]

(b) Presentation, discussion, and possible action to adopt Ordinance 2020-3785, extending the City's Juvenile Curfew Ordinance, as amended, for an additional three-year term. [Steve Deardorff, Chief of Police]

5. ELECTION MATTERS

(a) Presentation, discussion, and possible action to adopt Ordinance 2020-3787, revising the order of election for the May 2, 2020, general election, to consolidate polling locations or to move the election date. [Mayor Rigby]

6. 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.*

7. 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 30, 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



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>March 30, 2020</u>
Requested By: <u>Corby Alexander, City Mgr</u>
Department: <u>Administration/CMO</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Disaster Declaration issued by Mayor Rigby on Friday, March 13, 2020, Extension of Disaster Declaration approved on March 20, 2020, and proposed Extension of Disaster Declaration

SUMMARY

On March 13, 2020, the Mayor of the City of La Porte signed a Declaration of Disaster related to the pandemic flu outbreak or other health emergency resulting from COVID-19 (novel coronavirus). Pursuant to Texas Local Government Code 418.108(a) an extension of the declaration was requested and approved by City Council on March 20, 2020 through April 3, 2020 consistent with the Governor's declaration. At this time, staff believes that it is very likely that Governor Abbott will extend the statewide declaration. This item has been placed on the agenda to allow City Council the option to extend the declaration to remain consistent with the state should the need arise.

Background:

Per Texas Government Code (TGC) Sec. 418.1015, the presiding officer of the governing body of an incorporated city is designated as the emergency management director for the officer's political subdivision. The emergency management director may exercise the powers granted to the governor under TGC 418 on an appropriate local scale. Section 418.108 allows the presiding officer of the governing body of a political subdivision may declare a local state of disaster. A declaration of disaster immediately activates appropriate recovery, rehabilitation, preparedness, and response aspects of all applicable local emergency management plans and authorizes the furnishing of aid and assistance under the declaration.

Plans that have been enacted by the City since the local declaration of disaster include: The City's Emergency Management Plan, Continuity of Operations (COOP) Plans, and Pandemic Influenza Plan. These plans identify the mission essential functions of each

department, identify equipment and supplies necessary to support those functions, and provide for orders of succession and delegation of authority.

In addition, the City's Emergency Management Plan, Basic Plan, outlines the emergency powers provided in TCG 418 that allow the City to protect public health and safety. These powers may only be used by the emergency management director during a local state of disaster.

These powers include:

- Suspending procedural laws and rules to facilitate a timely response.
- Use of all available resources reasonably necessary to cope with a disaster.
- Evacuation or control of ingress and egress to and from a disaster area, and the movement of persons.
- Suspension or limitation of the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.
- Implementation of wage, price, and rent controls and other economic stabilization methods in the event of a disaster.
- Curfews, blockades, and limitations on utility use in an area affected by a disaster.

Federal Declaration:

On March 13, 2020, the President issued a nationwide emergency declaration for COVID-19. This declaration opens up funding through the Federal Emergency Management Agency (FEMA) Public Assistance program for reimbursement for local emergency protective measures. Issuing a local disaster declaration allows the City to apply for reimbursement for expenses incurred during the disaster. Lack of a disaster declaration may impede the City's ability to receive reimbursement funding. The City has already submitted a Request for Public Assistance to FEMA. Staff has been documenting activities and expenses related to COVID-19 over the last month.

Needed Action:

Emergency response measures continue to be taken by the City in response to COVID-19. In order to continue or renew the original Declaration of Disaster, an Extension of Disaster Declaration needs to be approved by City of La Porte City Council. In order to prevent continued City Council meetings to take action on extending the Declaration of Disaster, staff is recommending the approval of the attached Extension of Disaster Declaration, which shall continue concurrently with the Governor's Disaster Declaration. The Extension of Disaster Declaration shall become effective on March 30, 2020.

RECOMMENDED MOTION

Approve an Extension of Disaster Declaration issued by the Mayor on March 13, 2020 and any orders, rules, and regulations issued by the Mayor pursuant thereto.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date



DECLARATION OF DISASTER

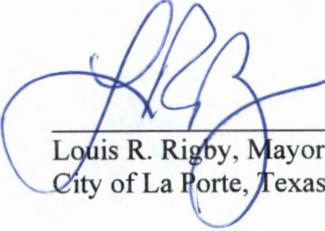
WHEREAS, the citizens of the City of La Porte, Texas, could be facing the spread of a pandemic flu outbreak or other health emergency resulting from COVID-19 (novel coronavirus).

WHEREAS, the Mayor of the City of La Porte, Texas, has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect its citizens from a public health threat,

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF LA PORTE, TEXAS:

1. That a local state of disaster is hereby declared for the City of La Porte, Texas, pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of the City of La Porte, Texas.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the city emergency management plan.
5. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 13 day of MARCH, 2020.



Louis R. Rigby, Mayor
City of La Porte, Texas



EXTENSION OF DISASTER DECLARATION

WHEREAS, on March 13, 2020, the Mayor of the City of La Porte, Texas, issued a proclamation declaring a state of disaster for the City of La Porte, Texas, resulting from COVID-19 (novel coronavirus); and

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and

WHEREAS, Section 418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision;

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

1. That the state of disaster proclaimed for the City of La Porte, Texas, by the Mayor on March 13, 2020, shall continue until April 3, 2020, at midnight, unless renewed by the City Council.
2. This declaration is passed as an emergency measure and pursuant to Sec. 26-3 of the City of La Porte Code of Ordinances and shall become effective on the 20th day of March, 2020.

PASSED AND ADOPTED, this 20th day of March, 2020.



Bill Bentley, Mayor Pro-Tem
City of La Porte, Texas



EXTENSION OF DISASTER DECLARATION

WHEREAS, on March 13, 2020, the Mayor of the City of La Porte, Texas issued a proclamation declaring a state of disaster for the City of La Porte, Texas, resulting from COVID-19 (novel coronavirus).

WHEREAS, the conditions necessitating declaration of a state of disaster continue to exist; and

WHEREAS, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period of excess of seven days without the consent of the governing body of the political subdivision;

WHEREAS, the La Porte City Council approved an extension of the local disaster declaration for the City of La Porte on March 20, 2020, until April 3, 2020, at midnight;

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

1. That the declaration of disaster proclaimed for the City of La Porte, Texas, by the Mayor on March 13, 2020, and extended by the City Council on March 20, 2020, until April 3, 2020, at midnight, shall continue in effect until such time as the Covid-19 Disaster Declaration issued by Texas Governor Greg Abbott on March 13, 2020, expires or is withdrawn, unless sooner terminated by executive order of the Mayor or by the City Council.

2. This declaration is passed as an emergency measure and pursuant to Sec. 26-3 of the La Porte Code of Ordinances and shall become effective on the 30th day of March, 2020.

PASSED AND ADOPTED, this 30th day of March, 2020.

APPROVED, this 30th day of March, 2020.

Louis R. Rigby, Mayor
City of La Porte, Texas



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>March 30, 2020</u>
Requested By: <u>Steve Deardorff, Chief</u>
Department: <u>Police</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3785 Chapter 42-Curfew for Juveniles redline and final

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. On March 23, 2020 at the regular City Council meeting, a public hearing was held where stakeholders provided feedback as well as City Council.

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.

As discussed at the March 23rd meeting, the juvenile 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

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.

City Council asked for staff to prepare a recommendation to address the concerns about local businesses being held liable for juveniles on their premises during the curfew times. Therefore, staff has updated the ordinance to include the following proposed wording: "The City Council directs that a complete copy of this ordinance be distributed to business establishments, as the term "establishment" is defined in Section 42-72 of the Code of Ordinances, located within the corporate limits of the City of La Porte."

RECOMMENDED MOTION

I move to adopt Ordinance 2020-3785 Juvenile Curfew Ordinance as amended for an additional three-year term.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

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. The City Council directs that a complete copy of this ordinance be distributed to business establishments, as the term “establishment” is defined in Section 42-72 of the Code of Ordinances, located within the corporate limits of the City of La Porte.

Section 4. 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 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council 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 8. 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 30th day of MARCH, 2020.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark T. Askins, Assistant City Attorney

ORDINANCE NO. _____

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.

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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. The City Council directs that a complete copy of this ordinance be distributed to business establishments, as the term “establishment” is defined in Section 42-72 of the Code of Ordinances, located within the corporate limits of the City of La Porte.

Section 4. 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 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council 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 8. 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 30th day of MARCH, 2020.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark T. Askins, Assistant City Attorney



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>March 30, 2020</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Secretary's Office</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Proposed Ord. 2020-3787, two versions

SUMMARY

Due to the situation surrounding international response to the COVID-19 pandemic, the City Council considered options for the May 2, 2020, general election at the regular meeting on March 23, 2020. The Council chose to keep the May 2 date but to consolidate to a single polling location at City Hall both during early voting and on election day. The change necessitates the order of election be updated to reflect the consolidation, provide authorization for the change to be publicized in association with the required L & A (logic and accuracy) test for the equipment, and inform election staff of the correct writ of election, as well as making it possible to publicize the change to the voters.

On Tuesday, March 24, Harris County Judge Lina Hidalgo issued a Stay Home Order for the county, which took effect at midnight that day, severely restricting movement and gatherings in Harris County through April 3.

Later on Tuesday, the SoS issued Mass Email (CSO-3492), including the following :

b. Shelter-in-Place Orders: As many local political subdivisions are enacting shelter-in-place orders, this has a significant impact on elections. If your entity or your county has issued such an order, you need to move your election; otherwise you are putting your election at risk of an election contest due to voters not being able to exercise their right to vote. Additionally, some political subdivisions have enacted fines for violating their local ordinances; if your order does so and there is no specific exemption for voting or conducting elections, you put your voters at risk of criminal penalty for leaving their homes to vote.

The CSO requested clarification to the urgency or full context of this item, as it does not seem that most entities have extended such orders as far as the first day of early voting. Additionally, Harris County specifically did not name its order a shelter-in-place. The SoS provided the following:



Thu 3/26/2020 3:09 PM

Christina Adkins <CAdkins@sos.texas.gov>

RE: MASS EMAIL (CSO -3492) - March 24, 2020 Update to COVID-19 Election Procedures

To Woodward, Lee; Elections Internet

Cc Askins, Clark; CSO - Staff

 Please treat this as Personal.

Lee,

Thanks for the email. At this point, there is a distinct possibility that many of the current shelter-in-place and/or stay at home orders that have been put into place could be extended. You want to consider whether that is a possibility for your community. Regardless of how the local entities have classified it, there are many cities and counties that have enacted fines for violating these ordinances.

We strongly advise all local entities that have these orders in place take action to move their election. If you do not, you run the risk of putting your election risk for an election contest as it is very likely that voters may not feel safe leaving their homes to vote.

Please let me know if you have any additional questions or concerns.

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Also on Tuesday, CSO communicated with the Texas Sec. of State's office and TML to confirm that the use of disability for a voter to vote by mail could be used widely. Basically, 82.002 of the Texas Election Code provides that a "qualified voter is eligible for early voting by mail if the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health."

A TML update late Wednesday led with this information, reminding that EC 84.0041 provides that submitting knowingly false information on the application is a criminal offense, the CSO finds it extremely likely that voters would like to be more fully informed of this option and hopes the Council will encourage dissemination of the prospect, should the May election date hold.

Additionally, the White House, on March 25, provided Gov. Abbott with his requested Major Disaster Declaration for Texas.

Our utmost concern is the accuracy and the integrity of the election, as well as the health, safety, and welfare of our election workers and voters. In light of the continuing situation, as well as not knowing what may develop between the time this agenda is posted and the special session occurs, CSO is providing two ordinances for consideration tonight.

The first is to solidify officially the consolidation of polling locations for a May 2, 2020, election. The second is provided so that if the City Council's discussion leads to a desire for the November election date, that such a change to the order of election could be made tonight. Either ordinance is open to limited amendment within the scope of the agenda posting wording.

RECOMMENDED MOTION

I move to adopt Ordinance 2020-3787 amending the order of election for the May 2, 2020, General Election in order to consolidate to a single polling location at City Hall both during early voting and on election day, throughout the election.

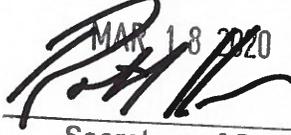
(Should the Council choose to make other amendments to the order of election, the underlined portion should change.)



GOVERNOR GREG ABBOTT

March 18, 2020

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

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

Secretary of State

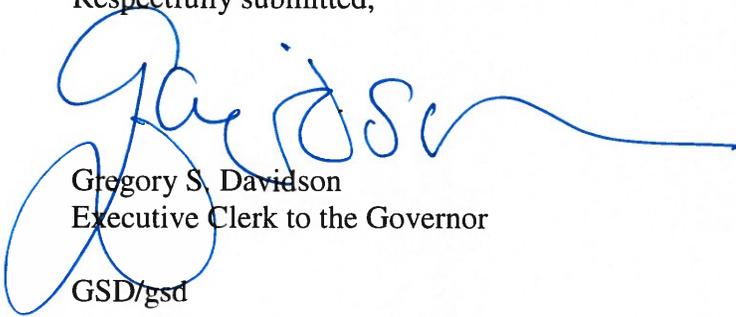
Dear Secretary Hughs:

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.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

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

NO. 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 (ABBM) 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.

KI:CA:CP

ORDINANCE NO. 2020-3787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 ORDERING A REGULAR MUNICIPAL ELECTION TO BE HELD ON THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A COUNCILPERSON DISTRICT 1, COUNCILPERSON DISTRICT 6, AND A COUNCILPERSON-AT-LARGE POSITION B; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE

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

SECTION 1. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 2nd day of May 2020, in the city, for the purpose of electing a Councilperson—District 1, a Councilperson—District 6, and a Councilperson-at-large—Position B. A run-off election will be held, if necessary, on June 13, 2020, that day being the second Saturday in June 2020, between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

SECTION 2. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts as established in Ordinance 2020-3771 is hereby amended by consolidating the polling places at one location, as follows:

<u>Precinct/District</u>	<u>Polling Location</u>
City of La Porte 1-6 and LPISD District 7	City of La Porte City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, 77571

SECTION 3. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with the La Porte Independent School District (LPISD), and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with LPISD and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

SECTION 4. Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020.

SECTION 5. Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

SECTION 6. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

SECTION 7. Lee Woodward, City Secretary, is appointed as the Early Voting Clerk, and Sharon Harris, Deputy City Secretary, is appointed as the Deputy Early Voting Clerk, for the joint early voting in person and voting by mail, and the City of La Porte City Hall, City Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, 77571, is hereby designated as the Main Early Voting Location for early voting for the election.

Applications for ballot by mail shall be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571
Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

The places at which Early Voting by personal appearance shall be conducted is designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas.

During the lawful early voting period, such Early Voting Clerk shall keep such locations for early voting open for early voting from 8:00 a.m. – 5:00 p.m., beginning Monday, April 20, 2020, and continuing through Tuesday, April, 28, 2020, with the exception of Tuesday, April 21, 2020, and Tuesday, April 28, 2020, in which case early voting hours shall be from 7:00 a.m. to 7:00 p.m.

SECTION 8. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

SECTION 9. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21st) day before election day and remain posted thorough election day.

SECTION 10. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 11. 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 12. 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 13. All portions of Ordinance 2020-3771 not specifically amended as provided herein shall remain in full force and effect.

SECTION 14. This ordinance shall be in 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

ORDINANCE NO. 2020-3787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 TO MOVE THE DATE OF THE 2020 REGULAR MUNICIPAL ELECTION FROM THE 2ND DAY OF MAY, 2020, TO NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING A COUNCILPERSON DISTRICT 1, COUNCILPERSON DISTRICT 6, AND A COUNCILPERSON-AT-LARGE POSITION B; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 13, 2020, the City Council passed Ordinance 2020-3771, which ordered an election to be held on May 2, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the Covid-19 pandemic; and

WHEREAS, on March 13, 2020, the Mayor of La Porte issued a Disaster Declaration for the City of La Porte, which declaration was extended until April 3, 2020, by the City Council, on March 20, 2020; and

WHEREAS, on March 18, 2020, Texas Governor Greg Abbott issued a proclamation, attached hereto as Exhibit A (the “Proclamation”) suspending Section 41.0052 (a) and (b) of the Texas Election Code, thereby allowing political subdivisions of the state to move their general and special elections set on May 2, 2020, to the November 3, 2020, uniform election date, without otherwise adjusting the term of office; and

WHEREAS, the City Council finds that it is in public health, safety, and interest to postpone the May 2, 2020, general municipal election for the election of Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B, pursuant to the Proclamation;

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

SECTION 1. The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated into the body of this ordinance by reference.

SECTION 2. Pursuant to authority extended to political subdivisions in the March 18, 2020, Proclamation of Texas Governor Greg Abbott, City of La Porte Ordinance 2020-3771 is hereby amended to postpone the ordered election for the City of La Porte from May 2, 2020, to November 3, 2020. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 3rd day of November, 2020, in the city, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B. A run-off election, if necessary, will be ordered in accordance with law and will be held, on a date determined by Harris County, on that day between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

SECTION 3. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as determined by a joint election agreement and election services contract to be arranged with Harris County:

SECTION 4. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as

required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

SECTION 5. Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020, at 5:00 p.m. will not be reopened. The voter registration deadline is October 5, 2020.

SECTION 6. Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

SECTION 7. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

SECTION 8. Harris County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for the joint early voting in person and voting by mail, and designate the Main Early Voting Location for early voting for the election.

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571
Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

who shall promptly provide them to the Early Voting Clerk, per the provisions of the Texas Election Code. The deadline to submit an application for a ballot by mail (ABBM) is October 23, 2020.

All ABBMs submitted based on the applicant being over the ages of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020 election.

The places at which Early Voting by personal appearance shall be conducted shall be designated by Harris County.

During the lawful early voting period, which will be from October 19, 2020, through October 30, 2020, such Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

SECTION 9. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

SECTION 10. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21st) day before election day and remain posted thorough election day.

SECTION 11. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 12. 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 13. 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 14. All portions of Ordinance 2020-3771 not specifically amended as provided herein shall remain in full force and effect.

SECTION 15. This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this, the 30th day of March, 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

Exhibit A

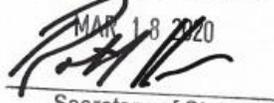


GOVERNOR GREG ABBOTT

March 18, 2020

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

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

MAR 18 2020

Secretary of State

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