

ORDINANCE NO. 3.27.20

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS POSTPONING THE GENERAL ELECTION TO BE HELD MAY 2, 2020 FOR THE PURPOSE OF ELECTING CITY COMMISSIONER PLACE FOUR TO THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, by Order of Election issued by the Commissioners of the City of Hereford on January 20th, 2020, it was ordered that an election be held on May 2, 2020 for the purpose of electing the following officials of the City of Hereford, Texas:

Commissioner Place Two;
Commissioner Place Four;
Commissioner Place Five;
Commissioner Place Six; and

WHEREAS, the City Secretary of the City of Hereford, Texas, has delivered Certification to the City Commission that the candidate, being Angie Alonzo, for election to the office of Commissioner Place Two of the City of Hereford, Texas in the May 2, 2020 City Officers' Election is unopposed for election to that office; and

WHEREAS, the City Secretary of the City of Hereford, Texas, has delivered Certification to the City Commission that the candidate, being Cathy Bunch, for election to the office of Commissioner Place Five (At-Large) in the May 2, 2020 City Officers' Election, is unopposed for election to that office; and

WHEREAS, the City Secretary of the City of Hereford, Texas, has delivered Certification to the City Commission that the candidate, being Rocky Bhakta, for election to the office of Commissioner Place Six (At-Large) in the May 2, 2020 City Officers' Election, is unopposed for election to that office; and

WHEREAS, by Ordinance No. 03.16.20, adopted by the Commissioners of the City of Hereford on March 16, 2020, it was declared that Angie Alonzo was elected to the office of Commissioner Place Two of the City of Hereford, Texas, and the May 2, 2020 City Officers' Election for the office of City Commissioner Place Two of the City of Hereford, Texas was canceled; and

WHEREAS, by that same Ordinance, being Ordinance No. 03.16.20, adopted by the Commissioners of the City of Hereford on March 16, 2020, it was declared that Cathy Bunch was elected to the office of Commissioner Place Five (At-Large) of the City of Hereford, Texas, and the May 2, 2020 City Officers' Election for the office of Commissioner Place Five (At-Large) of the City of Hereford, Texas was canceled; and

WHEREAS, by that same Ordinance, being Ordinance No. 03.16.20, adopted by the Commissioners of the City of Hereford on March 16, 2020, it was declared that Rocky Bhakta was elected to the office of Commissioner Place Six (At-Large) of the City of Hereford, Texas, and the May 2, 2020 City Officers' Election for the office of Commissioner Place Six (At-Large) of the City of Hereford, Texas was canceled; and

WHEREAS, by that same Ordinance, being Ordinance No. 03.16.20, it was declared that the May 2, 2020 City Officers' Election was to be held only for the office of Commissioner Place Four of the City of Hereford, Texas; and a true and correct copy of Ordinance No. 03.16.20 was to be posted on Election Day at each polling place that would have been used in the election for the offices of Commissioner Place Two, Commissioner Place Five, and Commissioner Place Six of the City of Hereford, Texas; 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 the 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; and

WHEREAS, on March 18, 2020, and pursuant to Section 418.016 of the Texas Government Code, Texas Governor Greg Abbott issued a Proclamation suspending Section 41.0052(a) and (b) of the Texas Election 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, without otherwise adjusting the term of office. Said Proclamation is hereby incorporated herein for all purposes; and

WHEREAS, on March 18, 2020 and pursuant to Texas Election Code Sections 31.003 and 31.004, the Texas Secretary of State issued Election Advisory No. 2020-12, which contains guidelines for entities that choose to exercise this authority and postpone their election to the November uniform election date. Said Election Advisory No. 2020-12 is hereby incorporated herein for all purposes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

SECTION 1: That the City of Hereford, as authorized by the March 18th, 2020 Proclamation of Texas Governor Greg Abbott, will exercise its authority to postpone the City Officers' General Election for City Commissioner Place Four to November 3, 2020.

SECTION 2: That the City of Hereford confirms that the candidate filings for the election will remain valid for the election held on November 3, 2020, and the filing period will not be reopened for the November 3, 2020 General Election.

SECTION 3: That the City of Hereford confirms that all Applications for Ballot By Mail (ABBMs) that were filed for the May 2, 2020 election by 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.

SECTION 4: That the City of Hereford confirms that all ABBMs that were filed for the May 2, 2020 election by voters who submitted ABBMs based on expected absence from the county will not be valid for the postponed election.

SECTION 5: That the City Officers' General Election for City Commissioner Place Four will be held on November 3, 2020. The voter registration deadline is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020 – October 30, 2020.

SECTION 6: That per a clarification sent out by the Secretary of State on March 19, 2020 regarding Election Advisory 2020-12, with such clarification stating that entities that cancelled a portion of their elections shall allow those unopposed candidates to be sworn in after the May 2, 2020 election date, the unopposed candidates for Commissioner Place Two, Commissioner Place Five (At-Large), and Commissioner Place Six (At-Large) shall be sworn in after May 2, 2020.

SECTION 7: That under Article XVI, Section 17 of the Texas Constitution, the individual who currently holds the public office that is scheduled to be on the ballot (City Commissioner Place Four) on the May uniform election date will continue to exercise the duties of that office until the new officer (for City Commissioner Place Four) shall take their oath of office, following the November uniform election date.

SECTION 8: That prior to August 17, 2020 the City Commission will make any necessary revisions to the original Order of Election to reflect changes to the date of the election, any changes to main early voting locations, changes to early voting dates and hours, and any other related changes.

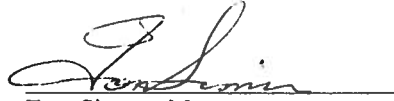
SECTION 9: That notice of this postponement shall be sent to the Deaf Smith County Clerk, posted on the City of Hereford's website, and a copy sent to the local media organizations to alert them of this change to the City Officers' General Election date.

SECTION 10: The City Commission hereby finds and determines that the meeting at which this Ordinance was passed was accessible to the public by telephonic meeting, and public notice of the time, access code, and purpose at which it was read was given in accordance with Chapter 551, Texas Government Code in accordance with Governor Abbott's March 16, 2020 requirements to permit open meetings to occur in a fully virtual setting to avoid further spread of the contagion.

SECTION 11: That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.


SECTION 12: That this Ordinance shall take effect and be in effect immediate after its passage.

The above and foregoing Ordinance was duly introduced on the motion of Commissioner Jose Garza, seconded by Commissioner Clint Savoini, and was duly **PASSED, APPROVED AND ADOPTED** by the unanimous vote of the City Commission on the 27th day of March 2020.



Tom Simons, Mayor
City of Hereford, Texas

ATTEST:


Suzanne Finch, City Secretary