



Special Called City Council Meeting Agenda

LongviewTexas.gov/Tele
5:30 pm.
March 23, 2020

This meeting will be conducted utilizing a videoconferencing tool. City Council members, staff, and citizens will participate via audio only. Instructions and direct links to view the meeting or speak during citizen comment can be found at LongviewTexas.gov/Tele.

To participate in citizen comment, please plan to arrive early to give yourself time to register to the videoconference tool. After registering, you will receive a confirmation email containing information about joining the webinar. The virtual conference meeting room will open at 5:15 p.m., and the meeting will begin at 5:30 p.m.

For assistance or questions related to participating in the meeting, please contact the City Secretary's Office at 903-237-1080.

I. Call to Order

II. Roll Call

III. Citizen Comment

IV. Action Items

- A.** Consider an Ordinance postponing the General Election to be held on the 2nd day of May, 2020, for the purpose of electing a member of the Longview City Council for District 3 to the November 3, 2020 uniform election date – Angie Shepard, City Secretary. Pages 3 - 7
- B.** Consider an Ordinance consenting to the continuation and renewal of the declaration of local disaster proclaimed for the City of Longview by the Mayor on March 16, 2020, and any matters incidental or related to said declaration – Dr. Andy Mack, Mayor. Pages 8-14

V. Adjourn

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made.

Para ayuda en español, por favor llame al 903.237.1000.

POSTPONE GENERAL ELECTION UNTIL NOVEMBER 3, 2020

DESCRIPTION: Consider an Ordinance to postpone the District 3 General Election until November 3, 2020. Due to the Covid-19 public health crisis, the governor has authorized all political subdivisions holding a general or special election on May 2, 2020, to postpone that election until November 3, 2020, a scheduled uniform election date. In a statement March 18, 2020, "I strongly encouraged local election officials to take advantage of these waivers and postpone their elections until November" said Governor Abbott.

RECOMMENDED ACTION:

SOURCE OF FUNDS: -0-

STAFF CONTACT: Angie Shepard, City Secretary
903-237-1081
ashepard@longviewtexas.gov

COUNCIL DATE: March 23, 2020

ORDINANCE NO. 4261

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, POSTPONING THE GENERAL ELECTION TO BE HELD ON THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER FOR CITY COUNCIL VOTING DISTRICT NO. 3 TO THE NOVEMBER 3, 2020, UNIFORM ELECTION DATE; AUTHORIZING EXECUTION OF A JOINT ELECTION CONTRACT FOR THE NOVEMBER 3, 2020, ELECTION; PROVIDING A SEVERABILITY CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Longview, Texas, by Ordinance No. 4249, passed and approved January 9, 2020, did thereby in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Longview, Texas, call for an election to be held on the first Saturday in May, 2020, the same being May 2, 2020, for the purpose of electing members of the City Council for City Council Voting Districts Nos. 3 and 4 to three (3) year terms; and,

WHEREAS, on February 27, 2020, the City Council of the City of Longview, Texas, passed and approved Ordinance No. 4257 declaring the unopposed candidate for City Council Member for City Council Voting District No. 4 elected to office and canceling the general election for the purpose of electing said member; and,

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed 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 elections to the November 3, 2020, uniform election date; and,

WHEREAS, pursuant to the aforesaid proclamation of the Governor, the City Council does by this Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing a City Council Member for City Council Voting District No. 3; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set forth in the preamble to this ordinance are hereby approved and adopted.

Section 2. That the general election previously ordered for May 2, 2020, for the City of Longview, Texas, for the purpose of electing a City Council Member for City Council Voting District No. 3 is hereby postponed to November 3, 2020.

Section 3. That the candidate filings for the municipal election for May 2, 2020, for the City of Longview, Texas, for the purpose of electing a City Council Member for City Council Voting District No. 3 shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

Section 4. That all annual applications for ballot by mail (ABBM) 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 November 3, 2020, election and that ABBM for voters who submitted ABBM based on expected absence from the county shall not be valid for the postponed November 3, 2020, election.

Section 5. That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

Section 6. That the City Manager is authorized to negotiate and execute an election contract with Gregg County for the purposes of conducting the postponed election on November 3, 2020.

Section 7. That this ordinance does not repeal or supersede Ordinance No. 4257, passed and approved February 27, 2020, by the City Council of the City of Longview, Texas, declaring the unopposed candidate elected to office and canceling the general election for the purpose of electing a City Council Member for City Council Voting District No. 4.

Section 8. 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 9. That the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 10. That this ordinance shall be effective immediately from and after its date of passage and publication as required by law.

PASSED AND APPROVED this 23rd day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O COVID ELECTION POSTPONE DIST 3 3- 23-20

ORDINANCE NO. 4262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CONSENTING TO THE CONTINUATION AND RENEWAL OF THE DECLARATION OF LOCAL DISASTER PROCLAIMED FOR THE CITY OF LONGVIEW BY THE MAYOR ON MARCH 16, 2020; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING VIOLATIONS OF THIS ORDINANCE OR OF THE AFORESAID DECLARATION OF LOCAL DISASTER OR OF ANY CONTINUATION OF SAID DECLARATION OF LOCAL DISASTER OR OF ANY ORDERS LAWFULLY ISSUED UNDER ANY OF SAME PUNISHABLE BY A FINE OF UP TO \$1,000.00 AND/OR CONFINEMENT IN JAIL FOR A TERM THAT DOES NOT EXCEED 180 DAYS; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on March 16, 2020, the Mayor issued a declaration of local disaster for the City of Longview, Texas, resulting from the global pandemic of the novel coronavirus designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, the conditions necessitating the aforesaid declaration continue to exist; and,

WHEREAS, §418.108(b) of the Texas Government Code provides that a declaration of local disaster may not be continued or renewed for a period of more than 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
LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the City Council of the City of Longview hereby consents to the continuation and renewal of the declaration of local disaster proclaimed for the City of Longview by the Mayor on March 16, 2020.

Section 3. That the consent hereby given shall continue in effect until said consent is terminated by the City Council or until the declaration of local disaster herein mentioned is terminated by order of the Mayor.

Section 4. That, during the continuation of the declaration of local disaster herein mentioned, the Mayor is authorized, without further action of the City Council, to exercise any powers, take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation Section 418.108 and Section 418.1015 of said chapter.

Section 5. That all provisions of the ordinances of the City of Longview in conflict with the provision of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Longview not in conflict with the provision of this ordinance shall remain in full force and effect.

Section 6. That should any sentence, paragraph, subdivision clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional and to this end the provisions of this ordinance are severable.

Section 7. That the City Secretary is hereby directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter.

Section 8. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this ordinance and the declaration of local disaster mentioned herein and any continuation of said declaration of local disaster and any orders lawfully issued under any of same shall, collectively, constitute an ordinance adopted pursuant to the emergency management plan adopted by the City of Longview and an ordinance governing public health and sanitation.

Section 10. That, in accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this ordinance or the declaration of local disaster mentioned herein or any continuation of said declaration of local disaster or any orders lawfully issued under any of same commits an offense punishable by a fine up to \$1,000.00 and/or confinement in

jail for a term that does not exceed 180 days, and each day or portion of a day that such a violation continues shall constitute a separate offense.

Section 11. That the City Attorney or the City Attorney's designee is hereby authorized, without further action of the City Council, to undertake, by all legal means appropriate or necessary, the enforcement of this ordinance, of the declaration of local disaster mentioned herein, of any continuation of said declaration of local disaster, and of any orders lawfully issued under any of same; and such means may include, but are not limited to: application to the proper court or courts to issue any and all proper restraining orders, temporary and permanent injunctions; the filing of any other appropriate civil actions in courts of appropriate jurisdiction; and defending the City of Longview from suit if suit is taken to appeal any action of the City of Longview.

Section 12. That this ordinance is approved as an emergency measure and pursuant to state and local authority for emergency measures and shall become effective immediately from and after its date of passage.

PASSED and APPROVED this 23rd day of March, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O COVID LOCAL DISASTER CONTINUATION 3-23-20



The Office of the Mayor

**Renewal and Continuation of Declaration of Local Disaster and Public Health
Emergency Related to Communicable Disease**

WHEREAS, on March 16, 2020, I, Dr. Andy Mack, as Mayor of the City of Longview, Texas, issued a declaration of local disaster and public health emergency for the City of Longview resulting from the global pandemic of the novel coronavirus designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, the conditions necessitating the aforesaid declaration continue to exist; and,

WHEREAS, pursuant to Texas Government Code §418.108(b), the City Council of the City of Longview, Texas, on March 23, 2020, enacted Ordinance No. 4262 consenting to the renewal and continuation of the declaration of local disaster and public health emergency for the City of Longview, Texas;

NOW, THEREFORE, BE IT PROCLAIMED BY DR. ANDY MACK, MAYOR OF THE CITY OF LONGVIEW, TEXAS:

1. The declaration of local disaster and public health emergency issued for the City of Longview on March 16, 2020, pursuant to §418.108(a) of the Texas Government Code is hereby renewed and continued.
2. This declaration of local disaster and public health emergency shall continue in effect until the Longview City Council terminates its consent to the continuation of this declaration or until this declaration is terminated by order of the Mayor, whichever occurs first.
3. Pursuant to §418.108(c) of the Texas Government Code, this renewal and continuation of the declaration of local disaster and public health emergency issued for the City of Longview on March 16, 2020, 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 renewal and continuation of the aforesaid declaration of local disaster and public health emergency continues to activate the Longview Emergency Management Plan.
5. Pursuant to Ordinance No. 4262 of the City of Longview, the Mayor is authorized, without further action of the City Council, to exercise any powers,

take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation §418.108 and §418.1015 of said chapter.

6. All officers and employees of the City of Longview, including without limitation all law enforcement officers employed by the City of Longview and all emergency medical personnel employed by the City of Longview, are hereby authorized and directed to continue to cooperate to the fullest extent allowed by law with the health authority designated by the City of Longview pursuant to Chapter 121 of the Texas Health and Safety Code to enforce any and all communicable disease control measures imposed by said health authority pursuant to Chapter 81 of the Texas Health and Safety Code or other applicable law.

This declaration shall take effect immediately from and after its issuance.

ORDERED and DECLARED this 23rd day of March 2020.

Dr. Andy Mack
Mayor