

Ordinance No. 20-035

An ordinance amending Ordinance No. 20-006, which ordered a Special Election, by making necessary revisions to the order of election for the postponed election to be held on November 3, 2020; prescribing the form of ballots; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions

WHEREAS, on February 11, 2020, the City Council passed Ordinance No. 20-006 ordering a Special Election to be held on May 2, 2020 for the purpose of submitting to the voters a proposition relating to the authorization of a municipal sales and use tax pursuant to Chapter 505 of the Texas Local Government Code; and

WHEREAS, on March 13, 2020, due to concerns related to the novel coronavirus (COVID-19) pandemic, President Donald Trump declared a State of National Emergency for the United States of America; Governor Greg Abbott issued a State of Disaster for all Texas counties; County Judge Glen Whitley issued a Declaration of Disaster for Tarrant County; and Mayor W. Jeff Williams declared a local state of disaster for the City of Arlington; and

WHEREAS, on March 18, 2020, Governor Greg Abbott issued a proclamation allowing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 to the next uniform election date, November 3, 2020; and

WHEREAS, on March 24, 2020, due to concerns related to the COVID-19 pandemic, the City Council passed Ordinance No. 20-012 ordering that the Special Election be postponed to November 3, 2020, pursuant to Governor Abbott's proclamation; and

WHEREAS, on July 27, 2020, Governor Greg Abbott issued a proclamation extending the time period for early voting by personal appearance by requiring that the period begin on October 13, 2020 and continue through October 30, 2020 for any elections ordered or authorized to occur on November 3, 2020; and

WHEREAS, by August 17, 2020, the City of Arlington must make necessary revisions to the original order of election, including: (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; and (5) any changes to branch early voting locations; as provided by Texas Secretary of State Election Advisory Nos. 2020-12 and 2020-17; and

WHEREAS, the City Council of the City of Arlington, Texas is authorized and has determined to order an election on the question of authorizing a municipal sales and use tax pursuant to Section 505.251 Texas Local Government Code, as amended; and

WHEREAS, the City Council hereby finds and determines that said election shall be held on a uniform election date established by Section 41.001(a) Texas Election Code, as amended, as required by Texas Law; and

WHEREAS, the City Council hereby finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 Texas Government Code, as amended; NOW THEREFORE

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

1.

That Ordinance No. 20-006 is hereby amended by replacing Section 1 with the following so that it shall hereafter be read as follows:

“That a Special Election be held in the City of Arlington, Texas, on Tuesday, the 3rd day of November, 2020, (hereinafter the “Election”) for the purpose of submitting to the voters a proposition relating to the authorization of a municipal sales and use tax pursuant to Chapter 505 of the Texas Local Government Code. The Election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on November 3, 2020 which is a uniform election date as defined in the Texas Election Code, as amended.”

2.

That Ordinance No. 20-006 is hereby amended by replacing Section 6 with the following so that it shall hereafter be read as follows:

“Early voting by personal appearance in the Election will begin October 13, 2020, and continue through October 30, 2020, with the voting dates and hours as follows:

| | | |
|-----------------|------------------|------------------------|
| October 13 - 17 | Tuesday-Saturday | 8:00 a.m. – 5:00 p.m. |
| October 19 - 23 | Monday-Friday | 8:00 a.m. – 5:00 p.m. |
| October 24 | Saturday | 7:00 a.m. – 7:00 p.m. |
| October 25 | Sunday | 11:00 a.m. – 4:00 p.m. |
| October 26 - 30 | Monday-Friday | 7:00 a.m. – 7:00 p.m.” |

3.

That Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13 as well as all other provisions of Ordinance No. 20-006 shall remain unchanged.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

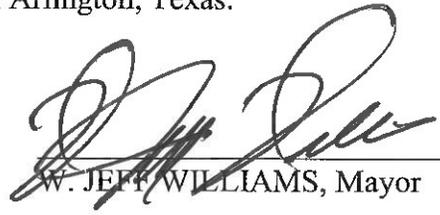
Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

This ordinance shall become effective from and after its passage upon signature of the Mayor.

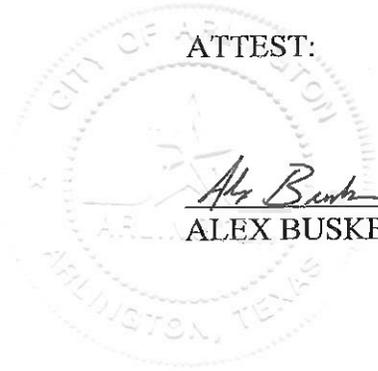
PRESENTED AND GIVEN FIRST READING on the 4th day of August, 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 11th

day of August, 2020, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:




ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY: 

