

EMERGENCY ORDINANCE NO. 20-04

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMIT, TEXAS, AMENDING ITS ORDER OF ELECTION ISSUED ON FEBRUARY 3, 2020 BY POSTPONING, ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF KERMIT, TEXAS, TO BE HELD ON THE 3RD DAY OF NOVEMBER 2020, PROVIDING FOR THE ELECTION OF A MAYOR, COUNCIL MEMBER FOR DISTRICT PLACE 4 AND COUNCIL MEMBER FOR DISTRICT PLACE 5; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE. “

WHEREAS, the COVID-19 pandemic creates an emergency affecting life, property, the public peace, and safe election procedure; thus, authorizing an emergency ordinance pursuant to Kermit Home Rule Charter, Article III, Section 24; and

WHEREAS, pursuant to Kermit Home Rule Charter, Article III, Section 24, the passage of an emergency ordinance is allowed after only one reading; and

WHEREAS, the City Council of Kermit, Texas (the "City Council") ordered an election for the office of Mayor, Council Member District Place 4 and Council Member District Place 5 to be held on May 2, 2020; 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 Governor's proclamation authorizing the City of Kermit to postpone the May 2, 2020 election date, 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 Mayor, Council Member District Place 4 and Council Member District Place 5 to November 3, 2020.

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

SECTION 1: That the General election previously ordered for May 2, 2020, for the City of Kermit, Texas, for the purpose of electing a Mayor, Council Member District Place 4 and Council Member District Place 5 is hereby postponed to November 3, 2020.

SECTION 2: That the candidate filings for the General election for May 2, 2020, for the City of Kermit, Texas, 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 3: That all annual applications 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 ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 election.

SECTION 4: 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.

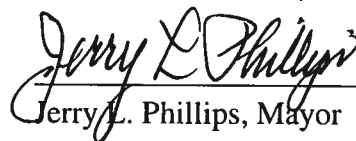
SECTION 5: That the City Manager is authorized to negotiate and execute an election contract with Winkler County for the purpose of conducting the postponed election on November 3, 2020.

SECTION 6: 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 7: This Ordinance shall take effect immediately from and after the date of its passage.

APPROVED, PASSED AND ADOPTED on first reading this the 16th day of April, 2020.


CITY OF KERMIT, TEXAS


Jerry L. Phillips, Mayor

ATTEST:


Diana Franco, City Secretary

APPROVED AS TO FORM AND SUBSTANCE:


Thomas Duckworth, Jr., City Attorney