



AGENDA

BARTONVILLE TOWN COUNCIL

NOTICE OF SPECIAL MEETING BY TELEPHONE CONFERENCE

March 24, 2020

BARTONVILLE TOWN HALL, 1941 E. JETER, BARTONVILLE, TX 76226

7:00 PM

In accordance with order of the Office of the Governor issued March 16, 2020, the Bartonville Town Council will conduct a special meeting by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting agenda and agenda packet are posted online at www.townofbartonville.com.

The public toll-free dial-in number to participate in the telephonic meeting is **1 301 715 8592** and the meeting ID number is **560 026 112**. There is no Participant ID. Hit the # key to join the meeting.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

A. CALL SPECIAL MEETING TO ORDER

B. PUBLIC COMMENT

C. NEW BUSINESS

1. Discuss and consider approval of an ordinance of the Town of Bartonville declaring a local state of disaster due to a public health emergency.
2. Discuss and consider approval of a resolution ordering that the Special Election scheduled to be held on Saturday, May 2, 2020, be postponed to Tuesday, November 3, 2020.

CLOSED SESSION

The Town Council to convene into a closed meeting pursuant to Texas Government Code Chapter 551, sections 551.071, and 551.074 to discuss matters relating to consultation with Town Attorney, and personnel as follows:

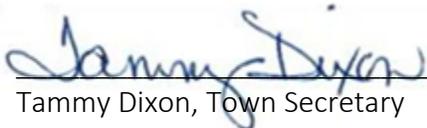
- a. Consultation with Town Attorney regarding legal issues related to police operations.
- b. Deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officers or employees; to wit: Town Administrator.

D. RECONVENE OPEN MEETING

The Town Council to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

E. ADJOURNMENT

I do hereby certify the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times and said Notice was posted on the following date and time: Friday, March 20, 2020, at 1:00 p.m. at least 72 hours prior to the time of said special meeting.



Tammy Dixon, Town Secretary

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. 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.

Item 1

**TOWN OF BARTONVILLE, TEXAS
ORDINANCE NO. 685-20**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY; MAKING FINDINGS RELATED THERETO; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, beginning in or about December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath and, in some cases, the virus has caused death; and

WHEREAS, the Town of Bartonville is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, the Town of Bartonville has established emergency protective measures, mitigation procedures, and emergency response plans for this type of health emergency; and

WHEREAS, on or about March 13, 2020, Texas Governor Greg Abbott declared a state of disaster in all Texas counties, and thereafter Denton County Judge Andy Eads has declared a local state of disaster due to a public health emergency; and

WHEREAS, on or about Tuesday, March 17, 2020, Mayor Bill Scherer issued a Disaster Declaration due to the COVID-19 public health emergency; and

WHEREAS, pursuant to the provisions of Section 418.108(b) of the Texas Government Code, said Declaration shall expire on the seventh (7th) day unless continued or renewed by the Town Council of the Town of Bartonville; and

WHEREAS, upon approval of this Ordinance, the Declaration shall expire on its own terms; and

WHEREAS, on or about Thursday, March 19, 2020, Texas Governor Greg Abbott issued Executive Order GA 08 providing further guidance in addressing COVID-19 preparedness and mitigation; and

WHEREAS, the Town Council of the Town of Bartonville, Texas, desires to issue the following declaration of a local state of disaster pursuant to its authority under state law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

A local state of disaster due to public health emergency is hereby declared for the Town of Bartonville, Texas, pursuant to Section 418.108(a) of the Texas Government Code.

SECTION 3

Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue from the date of adoption of this Ordinance to 11:59 p.m. on Thursday, April 30, 2020, unless action is taken by the Town Council of the Town of Bartonville, Texas, to repeal, extend or otherwise amend this Ordinance.

SECTION 4

Pursuant to Section 418.108(c) of the Texas Government Code, this Ordinance declaring a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the Town Secretary's Office.

SECTION 5

Pursuant to Section 418.108(d) of the Texas Government Code, this Ordinance declaring a local state of disaster has resulted in the following:

- this declaration of a local state of disaster activates the Town of Bartonville, Texas, emergency management plan and authorizes the furnishing of aid and assistance under the declaration.
- All Town-sponsored programs, activities and classes are suspended through April 30, 2020.
- Bartonville Municipal Court is delaying all Court proceedings until April 30, 2020.
- All closures and cancellations will be reassessed and modified as conditions change.
- Regular Town Council and Board/Commission meetings are cancelled until further notice.
- All development applications are suspended until further notice.
- Town offices will remain closed to citizen traffic during normal operating hours, and for inquiries, please contact either the Town Administrator or the Town Secretary.

SECTION 6

Closures and cancellations referenced in this Ordinance may be extended, modified or revoked until the threat posed by COVID-19 has passed, as determined by the Mayor.

SECTION 7

The Mayor is granted the authority to direct non-emergency Town personnel to work from home or to otherwise telecommute, as may be required, to mitigate community spread of COVID-19.

SECTION 8

This Ordinance hereby authorizes the Town to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, regulating ingress and egress from the Town, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the Town's rules, pursuant to Section 122.005 of the Texas Health and Safety Code.

SECTION 9

This Ordinance hereby incorporates by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, or the County Judge of Denton County.

SECTION 10

This Ordinance hereby authorizes the use of all lawfully available enforcement tools.

SECTION 11

Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue from the date of adoption of this Ordinance to 11:59 p.m. on Thursday, April 30, 2020, at which time it shall expire without further action by the Town Council, unless action is taken by the Town Council of the Town of Bartonville, Texas, prior to the expiration date to repeal, extend or otherwise amend this Ordinance.

SECTION 12

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ON THIS 24TH DAY OF MARCH, 2020.

Bill Scherer Mayor

ATTEST:

Tammy Dixon, Town Secretary

Item 2

**TOWN OF BARTONVILLE, TEXAS
RESOLUTION 2020-04**

AN RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, ORDERING THAT THE SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; MAKING FINDINGS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about March 13, 2020, the Governor of the State 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 in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone general and special elections to the next uniform election date, November 3, 2020; and

WHEREAS, on or about January 21, 2020, the Town passed Resolution No. 2020-02, which ordered a special election for Saturday, May 2, 2020, to submit to the qualified voters of the Town of Bartonville, Texas, a ballot proposition to reauthorize the municipal street maintenance sales and use tax at the rate of one-half of one percent to continue providing revenue for maintenance and repair of municipal streets; and

WHEREAS, it is pursuant to the authority of the Governor's March 13, 2020, disaster declaration and the March 18, 2020, proclamation that this Resolution is adopted; *i.e.*, to postpone said special election in the Town from Saturday, May 2, 2020, to Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2

The special election scheduled for Saturday, May 2, 2020, to submit to the qualified voters of the Town of Bartonville, Texas, a ballot proposition to reauthorize the municipal street maintenance sales and use tax at the rate of one-half of one percent to continue providing revenue for maintenance and repair of municipal streets, is hereby postponed until Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Resolution, and it is hereby so ordered.

SECTION 3

Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, this Order also makes the following findings, and incorporates them by reference into this Resolution: (1) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election whereas all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (2) the major relevant dates for the November 3, 2020, general election are as follows: last day to register to vote in the November 3, 2020, election—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 19, 2020, through October 30, 2020.

SECTION 4

This Resolution shall become effective from and after its passage.

Passed and Approved on this 24th day of March, 2020.

Bill Scherer, Mayor

ATTEST:

Tammy Dixon, Town Secretary

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