

RESOLUTION NO. 01-04-2020

A RESOLUTION OF THE CITY OF CUMBY, TEXAS, CANCELLING THE SPECIAL ELECTION TO BE HELD ON MAY 2, 2020; CANCELING TERMS UNDER THE HOLDOVER PROVISION OF THE TEXAS CONSTITUTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO THE CANCELLATION OF SUCH ELECTION.

WHEREAS, on October 8, 2019, the City Council (the "Council"), of the city of Cumby, Texas (the "City"), ordered the special election to fill a city council vacancy for Alderman, Place 2, to be held on May 2, 2020; and

WHEREAS, on December 10, 2019, the City Council (the "Council"), of the city of Cumby, Texas (the "City"), ordered the special election to fill a city council vacancy for Alderman, Place 1, to be held on May 2, 2020; and

WHEREAS, on March 31, 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, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such change has expired; and

WHEREAS, the Governor of the State of Texas issued proclamation on March 18, 2020, suspending Section 41.0052(a) and (b) of the Texas Election Code to extend the necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of the office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extend necessary to require all county election officers, if requested by an affected political subdivision, to enter unto a contract to furnish election services with any political subdivision that postponed its election to November 3, 2020; and

WHEREAS, Tex. Const. art. XVI § 17 requires officers within the State of Texas to hold over and continue the performance of their duties until their successors shall be duly qualified; and

WHEREAS, the terms of the offices for which the special election was to be held will expire in November, making the special election unnecessary.

NOW THEREFOR, BE IT RESOLVED BY THE CITY OF CUMBY, TEXAS, THAT:

Section No. 1: Cancelling Special Elections. The Council is exercising authority granted by the Governors' proclamation and is hereby cancelling the special elections that would have been held on Saturday, May 2, 2020.

Section No. 2: Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section No. 3: Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

Section No. 4: Governing Laws. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and in the United States of America.

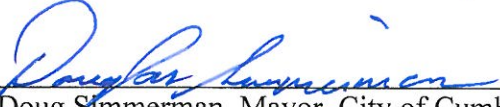
Section No. 5: Severability. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the supplication of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that, had the invalidity been known at the times, this Resolution would have been enacted without such invalid provision.

Section No. 6: Notice of Meeting. The Council officially finds, determines, recites and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution is adopted was posted on a bulletin board located at a place convenient to the public at City Hall for at least seventy-two (72) hours preceding the scheduled time of the meeting that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the City in connection with providing such notice, both as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered and formally acted upon. The Governor has suspended and modified certain open meeting requirements pursuant to this disaster declaration. These changes include allowing the City to establish procedures for telephonic or video conferenced meetings that are accessible to the public.

Section No. 7: Authorization to Execute. The Mayor is authorized to execute, and the City Secretary is authorized to attest his Resolution on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary on connection with the holding and consummation of the election.

Section No. 8: Effective Date. This Resolution is effective immediately upon its passage and approval.

PASSED AND APPROVED this 14 day of April 2020.


Doug Simmerman, Mayor, City of Cumby

ATTEST:


Codi Reynolds, City Secretary, City of Cumby

