

A G E N D A

**Special Session of the Bedford City Council
Wednesday, March 25, 2020 at 1:00 p.m.
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

CALL TO ORDER

SPECIAL SESSION

OPEN FORUM *(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum, a person must first sign in with the City Secretary prior to the Special Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Special Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)*

- 1. Consider a resolution amending and extending the Declaration of Local Disaster Due to Public Health Emergency as signed by the Mayor on March 19, 2020.**
- 2. Consider a resolution of the City of Bedford, Texas postponing the special election scheduled to be held on Saturday, May 2, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages, to Tuesday, November 3, 2020; and providing an effective date.**
- 3. Discussion regarding conducting future City Council meetings.**
- 4. Staff report on COVID-19 mitigation efforts.**

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Friday, March 20, 2020 at 7:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to citysecretary@bedfordtx.gov. Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)

Adhering to COVID-19 'social distancing', the City encourages residents interested in the Council meeting to watch it live on the City's website at <https://bedfordtx.gov/250/City-Council-Meetings-Online> or tune in to channels 16 (Spectrum) or 99 (AT&T). To participate in the open forum portion of the meeting, please submit comments and questions to citysecretary@bedfordtx.gov by 1:00 p.m. March 25, 2020. Relevant submissions will be read during the Open Forum portion of the meeting. For additional information, please contact the City Secretary's Office at 817-952-2104.

Members of the City Council may be participating remotely in compliance with the Texas Open Meetings Act or under the provisions provided by the Governor of Texas in conjunction with the Declaration of Disaster enacted March 13, 2020.



Council Agenda Background

<u>PRESENTER:</u> Michael Boyter, Mayor		<u>DATE:</u> 03/25/20
Council Mission Area: Be responsive to the needs of the community.		
<u>ITEM:</u> Consider a resolution approving an executive order of Mayor Michael Boyter in response to the COVID-19 pandemic. City Attorney Review: Yes		
<u>SUMMARY:</u> This item is to consider approving an executive order of Mayor Michael Boyter in response to the COVID-19 pandemic.		
<u>BACKGROUND:</u> Under the authority given to him by Section 418.108 of the Texas Government Code, Mayor Michael Boyter ordered a Declaration of Local Disaster Due to Public Health Emergency on March 19, 2020 in response to the COVID-19 pandemic and its current and potential impact on the City of Bedford. Since that declaration, Tarrant County Judge Glen Whitely issued an Amended Declaration of Local Disaster due to Public Health Emergency on March 21, 2020 and an Executive Order on March 24, 2020. Further, Texas Governor Greg Abbott issued his own Executive Order on March 19, 2020 relating to COVID-19 preparedness and mitigation. In order to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, staff recommends approval of the attached Executive Order from Mayor Boyter, which reflects the exact language in Judge Whitley's Executive Order issued on March 24, 2020. The expiration date on both the attached resolution and Executive Order are blank, allowing Council to establish such date. Tarrant County's order remains in effect until April 7, 2020 and Council having the ability to be stricter than the County, has the option to extend Bedford's order beyond that date.		
<u>RECOMMENDATION:</u> Staff recommends the following motion: Approval of a resolution approving an executive order of Mayor Michael Boyter in response to the COVID-19 pandemic.		
<u>FISCAL IMPACT:</u> Unknown at this time	<u>ATTACHMENTS:</u> Resolution Exhibit A	

RESOLUTION NO. 2020-

A RESOLUTION APPROVING AN EXECUTIVE ORDER OF MAYOR MICHAEL BOYTER IN RESPONSE TO THE COVID-19 PANDEMIC.

WHEREAS, on March 19, 2020, Mayor Boyter ordered a Declaration of Local Disaster due to Public Health Emergency in response to the COVID-19 pandemic; and,

WHEREAS, Tarrant County Judge Glen Whitley issued a Declaration of Local Disaster due to Public Health Emergency on March 13, 2020 and the County Commissioners issued a Renewal of Declaration of Local Disaster due to Public Health Emergency on March 17, 2020, and on March 18, 2020, the County Judge issued a First Amended Declaration of Local Disaster due to Public Health Emergency. The County Judge issued a Second Amended Declaration of Local Disaster due to Public Health Emergency on March 21, 2020 and an Executive Order on March 24, 2020; and,

WHEREAS, Texas Governor Greg Abbott issued an Executive Order relating to COVID-19 preparedness and mitigation on March 19, 2020; and,

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the Tarrant County Judge and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the City Council wishes to approve this Executive Order of Mayor Michael Boyter in response to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the Executive Order read in its entirety as Exhibit A.

SECTION 3. That this Executive Order shall take effect at 11:59 pm on the 25th day of March 2020 and shall remain in effect until _____, unless terminated or modified by a subsequent Order.

SECTION 4. That this Executive Order supersedes all prior declaration(s) and order(s) issued by the City of Bedford thereto.

PRESENTED AND PASSED this 25th day of March, 2020, by a vote of __ ayes, __ nays and __ abstentions, at a special meeting of the City Council of the City of Bedford, Texas.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary



CITY OF BEDFORD

EXECUTIVE ORDER OF MAYOR MICHAEL BOYTER

WHEREAS, pursuant to Texas Government Code § 418.108, City of Bedford Mayor Michael Boyter issued a Declaration of Local Disaster due to Public Health Emergency on March 19, 2020 due to imminent threat of widespread illness from COVID-19; and

WHEREAS, the City of Bedford Mayor has determined that extraordinary measures must be taken to mitigate the effects of this public health emergency and to facilitate the efficient, rapid, and cooperative response to the emergency; and

WHEREAS, to remain consistent with the declaration of the Texas Department of State Health Services and the executive order issued by Governor Greg Abbott as of March 19, 2020 and to harmonize to the extent possible, the executive orders of Governor Greg Abbott, the City of Bedford Mayor and the mandates contained in the declarations of the Mayors of the Cities of Fort Worth, Arlington and the other cities of Tarrant County, the City of Bedford Mayor issues this Executive Order.

THEREFORE, Pursuant to Texas Government Code Chapter 418, Be It Proclaimed and **ORDERED** by the City of Bedford Mayor:

1. That a state of disaster and public health emergency is hereby declared for the City of Bedford, pursuant to § 418.108(a) of the Texas Government Code.
2. That this Executive Order of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City of Bedford City Secretary, pursuant to § 418.108(c) of the Texas Government Code.
3. That the City of Bedford Emergency Operations Plan is activated and implemented, pursuant to § 418.108(d) of the Texas Government Code.
4. That the City of Bedford is authorized to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements, pursuant to § 418.020(c) of the Texas Government Code.
5. That this Executive Order authorizes the City of Bedford to take any actions necessary to promote health and suppress disease, including quarantine, evacuation, regulating ingress and egress from a disaster area and controlling the movement of persons and the occupancy of premises, pursuant to § 418.108(f), (g) of the Texas Government Code.

6. All persons currently residing within the City of Bedford shall stay at their place of residence, except as allowed by this Order. All persons may leave their residences only for Essential Travel and Essential Activities, to work in Essential Businesses, Government Service, or Essential Critical Infrastructure, or to perform Minimum Basic Operations, as defined below.

To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain Social Distancing, defined below.

7. All businesses operating in the City of Bedford, except Essential Businesses as defined below, are required to close to the public. Non-essential businesses may continue Minimum Basic Operations consisting exclusively of the following as long as Social Distancing is maintained between all employees and contractors during the activities:
 - a. Operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals;
 - b. IT or other operations that facilitate employees working from home;
 - c. Facilitate online or call-in sales performed by employees in a store or facility closed to the public;
 - d. In-store repair services performed by employees in a store or facility closed to the public.
8. It is ordered that a restaurant with or without drive-in or drive-through services; drive-in restaurant; drive-through restaurant; liquor stores; or microbrewery, micro-distillery, or winery may only provide take out, delivery, or drive-in or drive-through services as allowed by law. Social Distancing is required.
9. All public or private gatherings of any number of people occurring outside a single household are prohibited, except as otherwise provided herein. Nothing in this Executive Order prohibits the gathering of members of a household or living unit.
10. All elective medical, surgical, and dental procedures are prohibited anywhere in the City of Bedford. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.
11. If someone in a household has tested positive for COVID-19, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function until cleared by a medical professional but may seek medical services as needed from medical personnel and facilities.
12. Nursing homes, retirement homes, and long-term care facilities are to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
13. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain social distancing of 6 feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter's isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this Executive Order. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.
14. That no person shall sell any of the following goods or services for more than the price the person charged for the goods or services on March 16, 2020 and continuing during the pendency of this Executive Order:

- a. groceries, beverages, toilet articles, ice;
- b. restaurant, cafeteria, and boarding-house meals; and
- c. medicine, pharmaceutical and medical equipment and supplies.

15. Definitions:

- a. Social Distancing means maintaining at least 6 feet distance from other individuals, frequently washing hands with soap and water for at least 20 seconds, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not the hands), regularly disinfecting high touch surfaces, and not shaking hands.
- b. Minimum Basic Operations include the following, provided that employees comply with Social Distancing:
 - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- c. Essential Activities includes any of the following:
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet and livestock supplies, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences). It is strongly recommended that households, to the greatest extent possible, send only one person to businesses for the purpose of picking up food or other essential items.
 - iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of 6 feet (for example, walking, biking, hiking, golfing, or running).
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Executive Order.
 - v. To care for a family member or pet in another household.
- d. Essential Businesses means:
 - i. Essential Health Care Services. Healthcare operations, including hospitals, clinics, doctors, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse providers, blood banks, medical research, or any related and/or ancillary healthcare services, veterinary care provided to animals. Home-based care for seniors, adults, or children. Residential facilities and shelters for seniors, adults, and children. Healthcare operations do not include fitness and exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with this Executive Order.
 - ii. Essential Government Functions. All services provided by local, state and federal governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with social distancing requirements of 6 feet, to the extent possible.
 - iii. Essential Critical Infrastructure Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations , water, sewer, gas, electrical, oil refining, roads and highways, public transportation and other transportation network companies, and ride-sharing services that provide transportation services necessary for the performance of essential activities, essential businesses, essential

infrastructure, and essential government function, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations.

- iv. Essential Retail. Food service providers, including grocery stores, warehouse stores, liquor stores, bodegas, gas stations, convenience stores, and farmers' markets and other retail stores that sell food products and household staples, pet and feed stores. Businesses not open to the public that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, take out, drive-in, drive-through or carry out. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Businesses that provide for the delivery of, or preparation of vehicles. Businesses that supply products needed for people to work from home, including businesses providing mail and shipping and post office box. Businesses that supply products necessary for essential repairs and maintenance of a home or business. Hotel, motels, and shared rental units, except that all bars, cafes, or restaurants in hotels, motels, and shared rental units are closed except for pick-up and room service.
- v. Providers of Basic Necessities to Economically Disadvantaged Populations. Social services and charitable organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals; that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals.
- vi. Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses. Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning and maintenance, auto repair, warehouse/distribution and fulfillment, and storage for essential businesses. Plumbers, pool services, security services, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
- vii. News Media. Newspapers, television, radio, and other media services.
- viii. Financial Institutions. Banks and related financial institutions, consumer lenders, alternative financial services companies, sales and finance lenders, credit unions, appraisers, and title companies. As much business as possible shall be conducted with web-based technology to limit in-person contact.
- ix. Real Estate Transactions: Services related to current real estate transactions. As much business as possible shall be conducted with web-based technology to limit in-person contact.
- x. Childcare Services. Childcare facilities providing services that enable employees who perform Essential Activities or work for an Essential Business to work as permitted.
- xi. Animal Shelters, Zoos, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform a health care services or another Essential Business service.
- xii. Construction. Construction under a valid permit issued by a governmental entity.

- xiii. Funeral Services. Funeral homes, crematoriums and cemeteries may operate but no more than ten non-employees may be present at the same time.
 - xiv. Wedding Services. Weddings may be held, but not more than ten persons may be present at any one time. Social distancing is required. Weddings may not be held inside a City building.
 - xv. Worship Services. No in-person worship services are permitted. Needed staff can attend to produce audio/video or conduct services for transmission.
 - xvi. Moving Services and Supply. Businesses that provide residential and/or commercial moving services and necessary moving supplies.
- e. Essential Travel. For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes.
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, and Essential Businesses Essential Critical Infrastructure, Minimum Basic Operation;
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
 - iv. Travel to return to a place of residence from outside the jurisdiction;
 - v. Travel required by law enforcement or court order;
 - vi. Travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel;
 - vii. Travel related to attending a funeral service; or
 - viii. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
16. That any certified peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order in accordance with the authority granted under the Texas Disaster Act of 1975. Any person who violates this Executive Order may be subject to a fine not exceeding \$1,000 or confinement for a period not exceeding 180 days.
17. That this Executive Order incorporates the attached table, Disaster Restrictions, as if set forth verbatim herein.
18. The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
19. This Executive Order is issued in accordance with and incorporates by reference any declaration of disaster previously issued and adopted by the City of Bedford. In the event of a conflict between this Executive Order and a prior declaration or order pertaining to COVID -19, this Executive Order prevails.
20. This Executive Order shall take effect at 11:59 pm on the 25th day of March 2020 and shall remain in effect until _____, unless terminated or modified by a subsequent Order.

ORDERED this the 25th day of March 2020.

Michael Boyter, Mayor

Disaster Restrictions
Executive Order Issued March 25, 2020

Locations / Activities	Restrictions
Persons residing in the City of Bedford	<ul style="list-style-type: none"> ● Stay at place of residence ● Practice social distancing ● Leave residence for Essential Activities, or to work at Essential Businesses, Essential Governmental Services, Essential Critical Infrastructure, or to perform Minimum Basic Operations
All businesses except Essential Businesses	No public occupancy permitted Minimum Basic Operations allowed Social Distancing required
Public or Private Gatherings occurring outside a single household	Prohibited
Food Establishments Including those at schools, hotels, motels Excluding those at hospitals	In-house dining - no public occupancy Drive-in, drive-through, take out, and delivery is permitted. Social distancing is required
Worship Services	Closed for in-person services, provided that staff can attend to produce audio/video services Social Distancing required
Elective medical, surgical, and dental procedures	Prohibited
Price Gouging	Prohibited
Nursing homes, retirement, and long-term care facilities	Prohibit non-essential visitors unless to provide critical assistance or for end-of-life visitation
Essential Travel, summary:	Individuals may leave shelter to perform Essential Activities Must practice social distancing
Allowed to carry out activities specifically permitted in this Executive Order.	

Essential Businesses. summary:

hospitals clinics
doctors
dentists
pharmacies
pharmaceutical and biotechnology
companies, other healthcare facilities
healthcare suppliers
mental health providers
substance abuse service providers
blood banks
medical research
laboratory services
home-based and residential-based care for
seniors, adults, or children
veterinary care

all services to provide for the health, safety
and welfare of the public

food service providers
food cultivation- farming, fishing, livestock
delivery and shipping not open to the public,
laundromats, dry cleaners, laundry service
gas stations
auto-supply & repair, bicycle repair
hardware stores
businesses that supply products needed for
people to work from home
social services, charitable organizations
trash and recycling collection, processing and
disposal
mail and shipping services
building cleaning, maintenance
security services
warehouse/distribution and fulfillment
storage for essential businesses
funeral homes, crematoriums, cemeteries
plumbers
electricians
exterminators
legal or accounting
news media
financial institutions
real estate transactions
childcare services
businesses that maintain live animals
construction
moving services and supply

Allowed to remain open

Social Distancing required

Essential Businesses providing essential
infrastructure should implement screening
precautions to protect employees and all
activity shall be performed in compliance with
social distancing guidelines attached.

<p>Essential Critical Infrastructure, summary:</p>	
<p>Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations</p>	
<p>Minimum Basic Operations</p>	<p>Operations allowed for non-essential businesses</p>
<ul style="list-style-type: none"> - operations necessary to maintain security, upkeep, and maintenance of premises, equipment or inventory, including but not limited to the care and maintenance of livestock or animals; - IT or other operations that facilitate employees working from home; - facilitate online or call-in sales performed by employees in a store or facility closed to the public; - in-store repair services performed by employees in a store or facility closed to the public. 	<p>Social distancing required</p>



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 03/25/20

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution of the City of Bedford, Texas postponing the special election scheduled to be held on Saturday, May 2, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages, to Tuesday, November 3, 2020 or an earlier date as authorized by the Governor of the State of Texas; and providing an effective date.

City Attorney Review: Yes

SUMMARY:

This item is to consider the postponement of the May 2, 2020 special election to the November 3, 2020 uniform election date pursuant to a proclamation issued by Governor Greg Abbott on March 18, 2020.

BACKGROUND:

The City Council approved Resolution 2020-12 on January 28, 2020 ordering a special election to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages.

Due to the impact of the COVID-19 virus and the timing of municipal elections, Governor Greg Abbott issued a proclamation on March 18, 2020 suspending Sections 41.0052(a) and (b) of the Texas Election Code, allowing political subdivisions to move their general and special elections to the uniform election date on November 3, 2020. Any such postponement requires an action by the governing body. The Tarrant County Election Administrator has indicated that Tarrant County will proceed with conducting the May elections if it is the desire of the governing body to do so. Tarrant County Elections has asked that they be notified of any decisions to postpone by no later than Wednesday, March 25 at 3:00 p.m. as they will need to reprogram and retest equipment for entities that choose to proceed with a May election date.

The attached resolution includes the following provisions pursuant to Election Advisory 2020-12 issued by the Secretary of State's Office on March 18, 2020.

- 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.
- 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.
- That the major relevant dates for the November 3, 2020 special election are as follows:
 - October 5, 2020 – Deadline to register to vote in the special election
 - October 23, 2020 – Deadline to apply for a ballot by mail
 - October 19 – 30, 2020 – Early Voting period

RECOMMENDATION:

If Council chooses to postpone the May 2, 2020 election, staff recommends the following motion:

Approval of a resolution of the City of Bedford, Texas postponing the special election scheduled to be held on Saturday, May 2, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages, to Tuesday, November 3, 2020 or an earlier date as authorized by the Governor of the State of Texas; and providing an effective date; and providing an effective date.

FISCAL IMPACT:

The fiscal impact of staying with the May 2, 2020 date or postponing until November 3, 2020 is currently unknown. Expenses related to a November election would be included in the FY 2020-21 budget.

ATTACHMENTS:

Resolution
Secretary of State Election Advisory
Governor Abbott's Proclamation

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF BEDFORD, TEXAS POSTPONING THE SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020 TO ALLOW THE VOTERS TO CONSIDER VOTING FOR OR AGAINST THE FOLLOWING PROPOSITION: THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES, TO TUESDAY, NOVEMBER 3, 2020; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas approved Resolution No. 2020-12 on January 28, 2020 ordering a special election for Tuesday, May 2, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages; and,

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 March 18, 2020, Governor Greg Abbot issued a proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020 to move their general and special elections to the next uniform election date, being November 3, 2020; 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 the special election from Saturday, May 2, 2020, to Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the special election scheduled for Saturday, May 2, 2020, to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages, 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. That 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, special election are as follows: deadline for registration 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.

SECITON 4. That this resolution shall become effective from and after its passage.

PRESENTED AND PASSED this 25th day of March 2020 by a vote of ___ ayes, ___ nays, and ___ abstentions, at a special meeting of the City Council of the City of Bedford, Texas.

RESOLUTION NO. 2020-

Michael Boyter, Mayor

ATTEST:

Michael Wells, City 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.

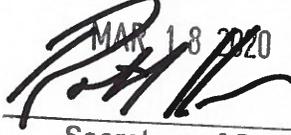
KI:CA:CP



GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM 'CLOCK
MAR 18 2020

Secretary of State

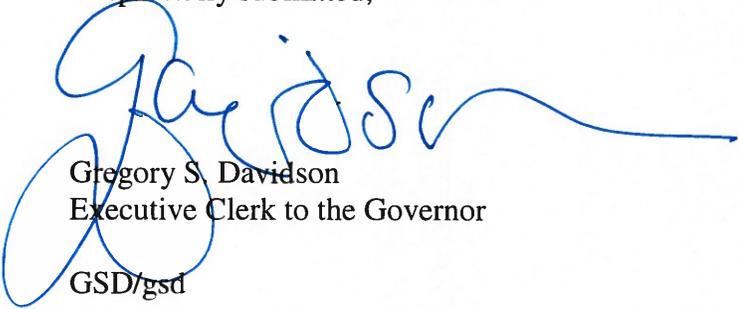
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent 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 office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; 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 a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 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, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent 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 office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020



Council Agenda Background

PRESENTER: Michael Boyter, Mayor

DATE: 03/25/20

Council Request

ITEM:

Discussion regarding conducting future City Council meetings.

City Attorney Review: N/A

DISCUSSION:

This item is for Council to discuss the conduct of future City Council meetings due to the impact of the COVID-19 pandemic.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Cliff Blackwell, Interim City Manager

DATE: 03/25/20

Staff Report

ITEM:

Staff report on COVID-19 mitigation efforts.

City Attorney Review: N/A

DISCUSSION:

Staff will update Council on mitigation efforts as they relate to the COVID-19 pandemic

ATTACHMENTS:

N/A