



**AGENDA
WATAUGA CITY COUNCIL
SPECIAL MEETING
MONDAY, MARCH 23, 2020
HECTOR F. GARCIA COMMUNITY CENTER
ACTIVE ADULT CENTER
7901 INDIAN SPRINGS DRIVE
WATAUGA, TX 76148
6:00 PM**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Special City Council Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

CALL TO ORDER

ROLL CALL

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form attached hereto as Annex E. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the City Council. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

ACTION ITEMS

1. Discuss and consider action on a resolution to extend the March 17 2020 Disaster Declaration executed by Mayor Miner for the Coronavirus Outbreak
Andrea Gardner, City Manager
2. Discuss and consider action on a resolution to grant authority to the City Manager to expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, and property
Andrea Gardner, City Manager

3. Discuss and consider action on a resolution approving Policy 18.03 Declared Emergency Plan
Andrea Gardner, City Manager
4. Discuss and consider action on an Ordinance that postpones the May 2 2020 General and Special Elections to November 3 2020
Andrea Gardner, City Manager
5. Discuss and consider action on a resolution to suspend the public information act in response to COVID-19
Andrea Gardner, City Manager

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on

an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

DUE TO THE INACCESSIBILITY OF THE CITY HALL COUNCIL CHAMBER FACILITY AND THE DISASTER DECLARATION ISSUED BY THE MAYOR OF WATAUGA AND THE TARRANT COUNTY ORDER ISSUED RELATED TO COVID-19, THE CITY OF WATAUGA FIRE MARSHAL HAS CONCLUDED THAT THE IDENTIFIED AREA AT THE ACTIVE ADULT CENTER IS COMPRISED OF 405 SQUARE FEET WITH AN OCCUPANCY LOAD OF 15 PERSONS.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, March 20, 2020, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary



Sec. 418.108. DECLARATION OF LOCAL DISASTER. (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.

(b) A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.

(c) An order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary, the county clerk, or the joint board's official records, as applicable.

(d) A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plans are activated as provided in the plans and take effect immediately after the local state of disaster is declared.

(e) The chief administrative officer of a joint board has exclusive authority to declare that a local state of disaster exists within the boundaries of an airport operated or controlled by the joint board, regardless of whether the airport is located in or outside the boundaries of a political subdivision.

(f) The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(g) The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and

control the movement of persons and the occupancy of premises in that area.

(h) For purposes of Subsections (f) and (g):

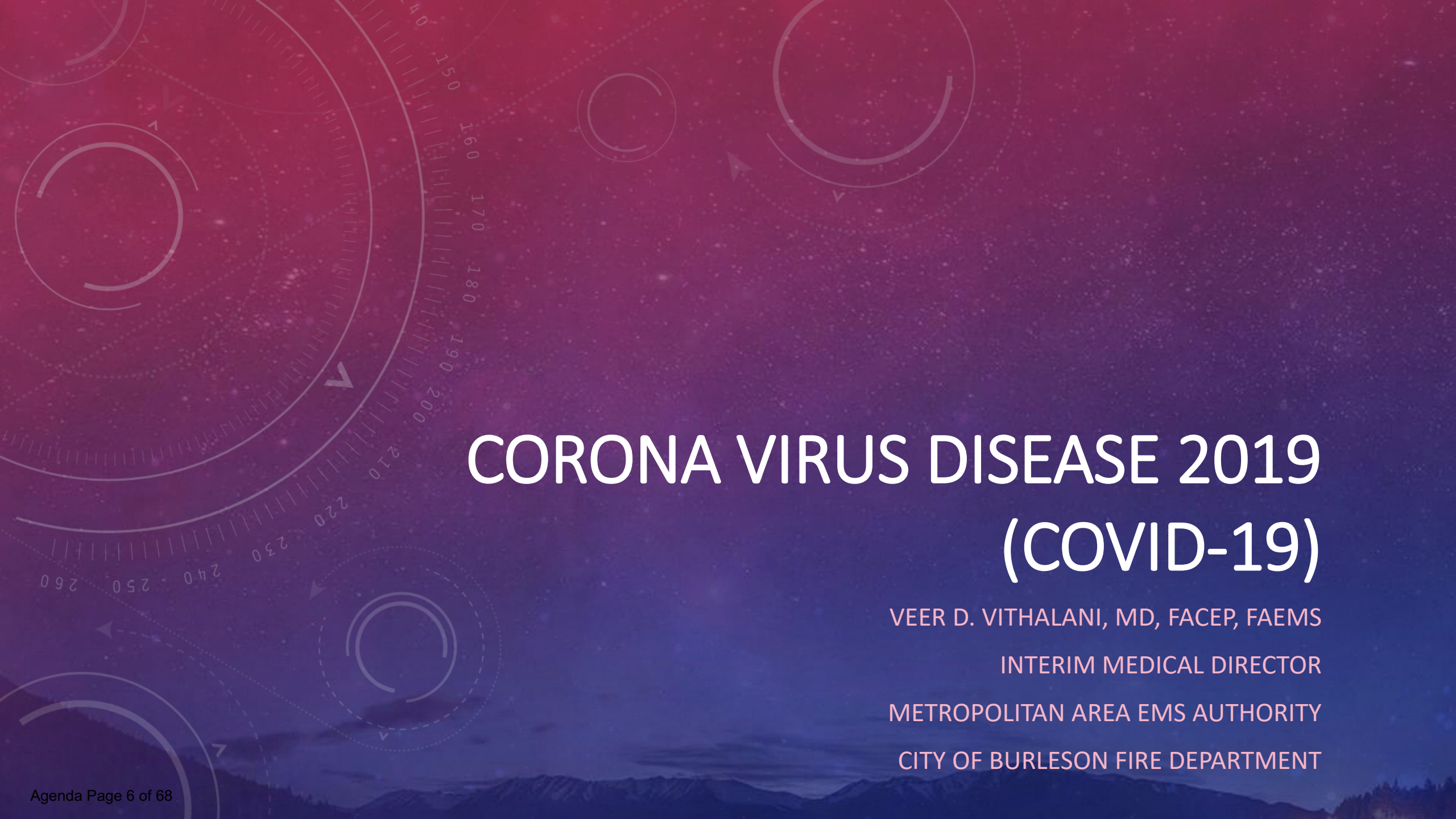
(1) the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and

(2) to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

(i) A declaration under this section may include a restriction that exceeds a restriction authorized by Section [352.051](#), Local Government Code. A restriction that exceeds a restriction authorized by Section [352.051](#), Local Government Code, is effective only:

(1) for 60 hours unless extended by the governor; and

(2) if the county judge requests the governor to grant an extension of the restriction.



CORONA VIRUS DISEASE 2019 (COVID-19)

VEER D. VITHALANI, MD, FACEP, FAEMS

INTERIM MEDICAL DIRECTOR

METROPOLITAN AREA EMS AUTHORITY

CITY OF BURLESON FIRE DEPARTMENT

COVID-19

- Disease first identified in Wuhan, China in December 2019
- Caused by novel (new) coronavirus, named “SARS-COV-2”
 - Different than the 4 standard human coronaviruses, SARS, or MERS
- Disease called “COrona Virus Disease 2019” or COVID-19
- Now in more than 100 countries, including the USA
- Currently considered a “pandemic” due to sustained person-to-person transmission

The Majority of Infections are Mild

Seriousness of symptoms

80.9%



MILD

Like flu, stay at home

13.8%



SEVERE

Hospitalization

4.7%



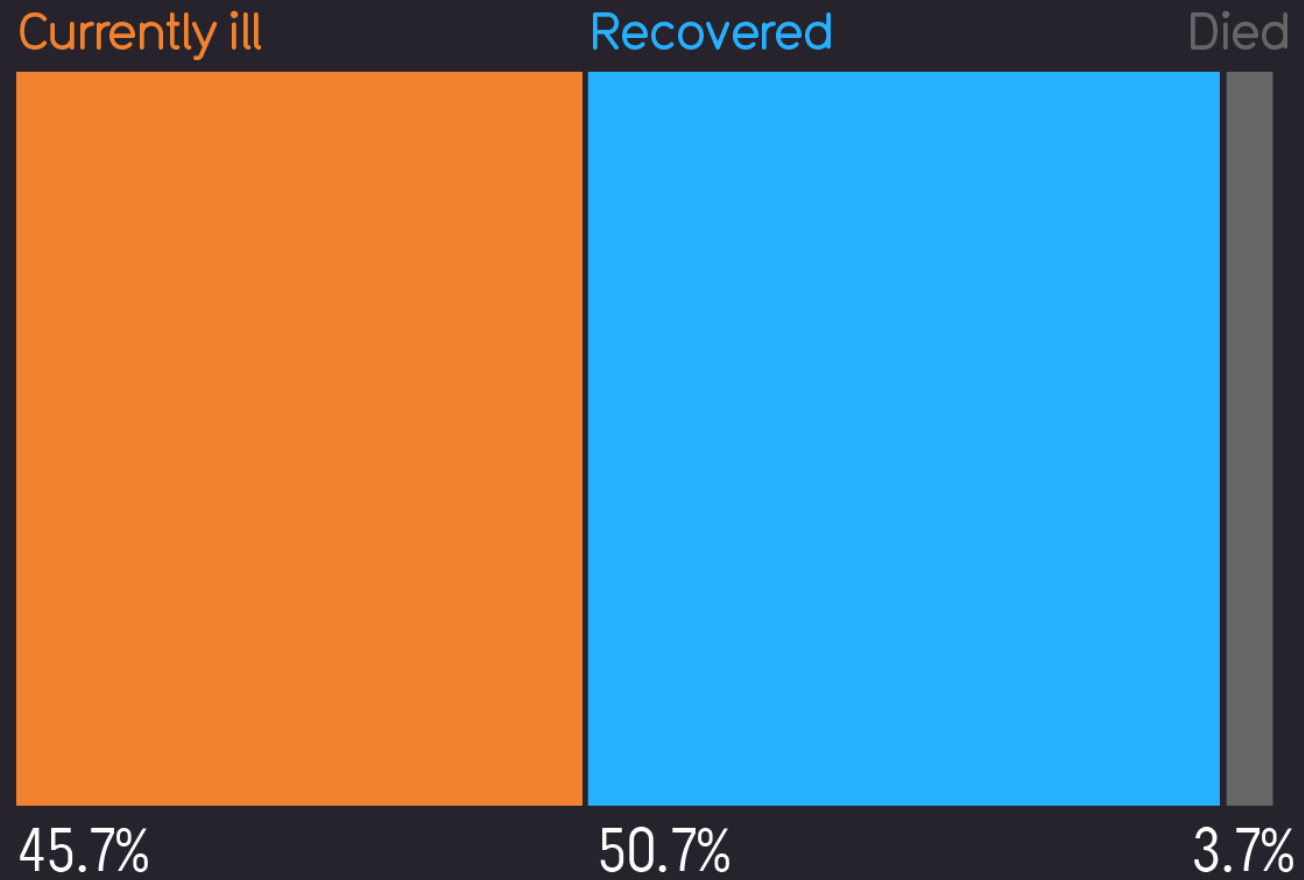
CRITICAL

Intensive care

study of 44,672 confirmed cases in Mainland China
sources: China Centre for Disease Control & Prevention, Statista

The Bulk of People Recover

Of total worldwide confirmed cases...



source: Johns Hopkins University

Those Aged 60+ are Most At Risk

% infectees who die

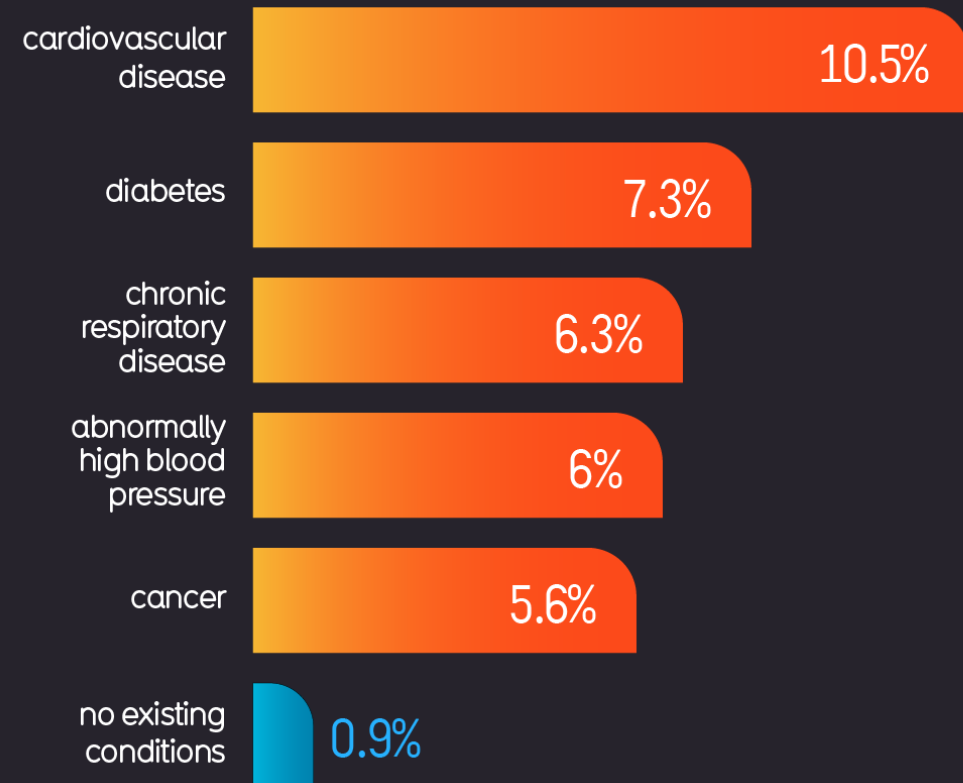
note
this data comes from
the first wave of infections
in Wuhan, China
where lung health is **poor**
and smoking rates are **high**.
Coronavirus attacks **the lungs**.



study of 44,672 confirmed cases in Mainland China
sources: China Centre for Disease Control & Prevention, Statista

Especially Those with Existing Conditions

% with other **serious ailments** who die

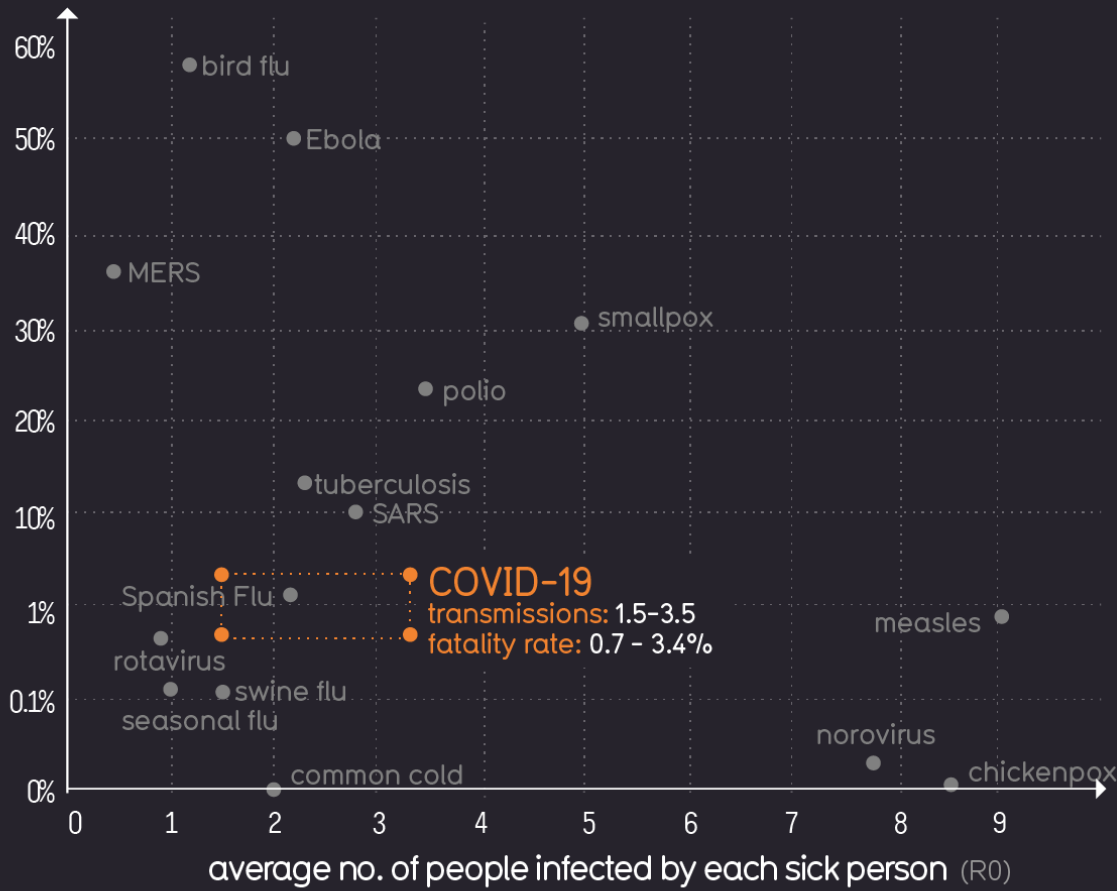


study of 44,672 confirmed cases in Mainland China
sources: China Centre for Disease Control & Prevention, Statista

How Contagious & Deadly is It?

We don't fully know yet but it's in **this range**

% who die (CASE FATALITY RATE)

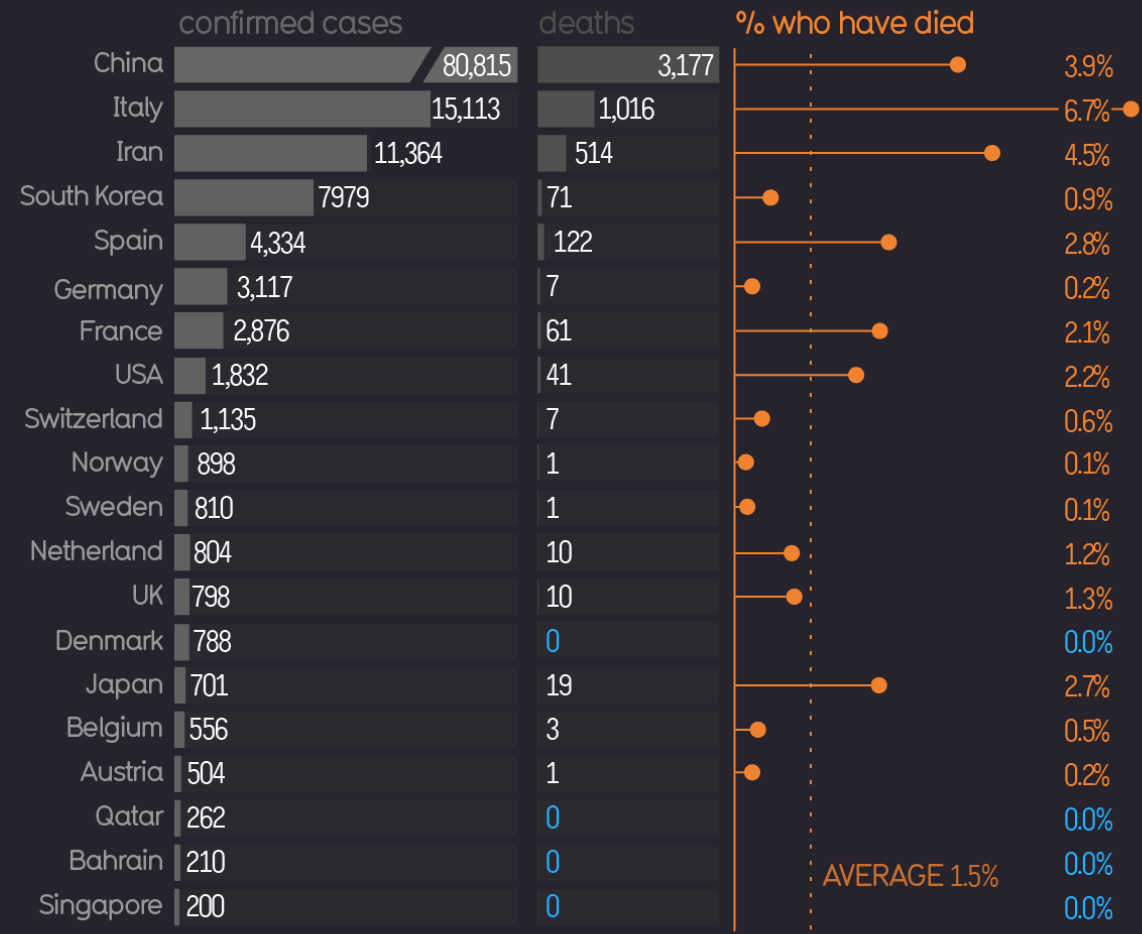


sources: Centres for Disease Control, WHO, New York Times

updated 13th Mar 2020

The Fatality Rate Varies by Country

Quality of healthcare, average age of population – both factors



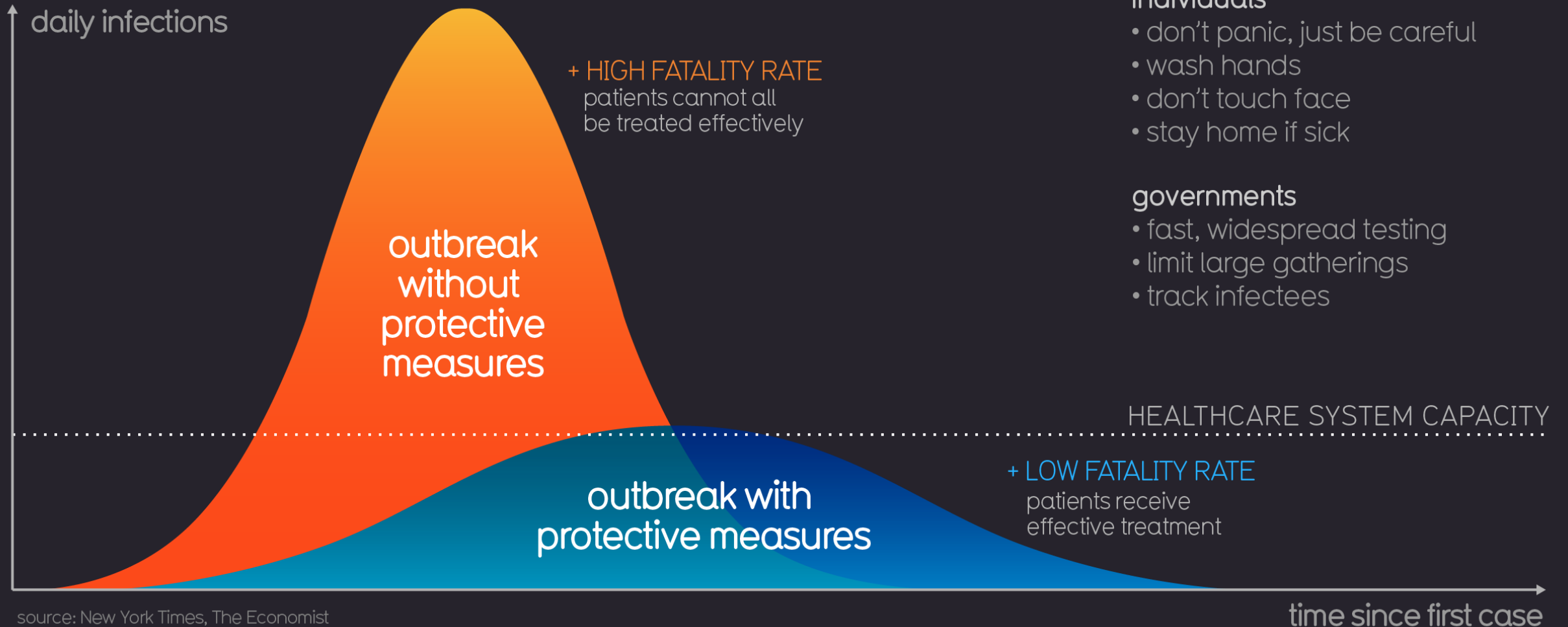
sources: Johns Hopkins University, multiple media reports. top 20 infected nations

WATAUGA EXAMPLE

- 24,526 population – 2,372 65+
 - Assume 50% of people infected
- 12,263 infections – 1,186 65+ infected
 - 5% require critical care
- 613 critical care patients – 59 65+

Flattening the Curve

Fast, intelligent action slows pandemic effects,
stops the overwhelm of healthcare systems



source: New York Times, The Economist

PROTECTIVE MEASURES

individuals

- don't panic, just be careful
- wash hands
- don't touch face
- stay home if sick

governments

- fast, widespread testing
- limit large gatherings
- track infectees

CURRENT EMS MEASURES

- 911 call screening
- Patients under monitoring address flagging
- In-person screening
- Full PPE response
- Currently no positive cases in Watauga – but that won't last

FUTURE EMS MEASURES

- Low-acuity non-transport
- Transport to testing mobile/drive-through testing facilities
- Threats: PPE, hospital space
- North Texas Regional Mass Critical Care Task Force recommendations

YOUR NEXT STEPS

- MITIGATE, MITIGATE, MITIGATE
- Prepare, but don't panic
- Local, State, National – Public Health Emergency Declarations
- Social distancing / isolation
- Reschedule events
- Ban mass gatherings
- Cancel non-essential travel
- For essential services, maintain 6+ feet of separation
- For high-risk groups, limit outside contact

CITY OF WATAUGA, TEXAS

MAYOR'S PROCLAMATION

DECLARING A LOCAL STATE OF DISASTER

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and,

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and can range from mild to severe illness; and,

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and,

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to change the trajectory of this pandemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on the morning of March 13, 2020, Governor Greg Abbott declared that the COVID-19 pandemic is a statewide public disaster; and

WHEREAS, on the afternoon of March 13, 2020, President Donald Trump declared a national emergency in response to the COVID-19 pandemic; and

WHEREAS, immediate, deliberate, and coordinated effort and action is required to prevent the spread of COVID-19 and manage and treat cases of COVID-19 in accordance with measures proposed by the World Health Organization and the Centers for Disease Control; and

WHEREAS, the Mayor of the City of Watauga, Texas, pursuant to the authority conferred upon the Mayor by the Watauga City Charter and Texas Government Code §418.108, has the power to declare a local state of disaster within the City for a period of seven (7) days, to continue until March 24, 2020, subject to continuation or renewal by consent of the City Council; and,

WHEREAS, as Mayor, I hereby proclaim and declare a local state of disaster within the City of Watauga, Texas, that shall continue in effect until March 24, 2020, unless continued by the City Council; and,

WHEREAS, the City Clerk is hereby directed to give prompt and general publicity to the issuance of this DECLARATION.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF WATAUGA, TEXAS:

Section I

That a local state of disaster is declared for the City of Watauga, Texas on this 17th day of March 2020.

Section II

That the City's Emergency Management Plan has been implemented.

Section III

That this state of disaster shall continue for a period of not more than seven days hereof, unless the same is continued by the consent of the City Council of Watauga, Texas.

Section IV

That this proclamation shall take effect immediately from and after its issuance.

DECLARED this the 17th day of March 2020.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

ANDREA GARDNER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

GEORGE E. HYDE, CITY ATTORNEY

Proclamation

DECLARATION OF DISASTER FOR WATAUGA

Whereas the City of Watauga on the 18th day of June 2007 is under imminent threat of severe damage, injury, or loss of life or property resulting from:

FLOODING; and

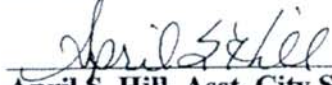
WHEREAS THE MAYOR of Watauga has determined that extraordinary measures must be taken to alleviate the suffering people and to protect or rehabilitate property,

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF WATAUGA:

1. That a local state of disaster is hereby proclaimed for Watauga pursuant to Chapter 418.108(a) of the Texas Government Code.
2. That this Declaration of a local state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council pursuant to Chapter 418.108(b) of the Texas Government Code.
3. This Declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary's office pursuant to Chapter 418.108(c) of the Texas Government Code.
4. This Declaration of a local state of disaster activates the Fort Worth – Tarrant County Emergency Plan pursuant to Chapter 418.108(d) of the Texas Government Code.

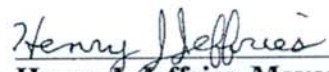
**This proclamation shall take effect immediately from and after its issuance,
ORDERED THIS THE 18TH DAY OF JUNE 2007.**

ATTEST:


April S. Hill, Asst. City Secretary
City of Watauga, Texas



APPROVED:


Henry J. Jeffries, Mayor
City of Watauga, Texas

ARTICLE II. - EMERGENCY MANAGEMENT PROGRAM

Footnotes:

--- (2) ---

State Law reference— *Emergency management, V.T.C.A., Government Code ch. 418; local emergency management programs, V.T.C.A., Government Code § 418.101 et seq.*

Sec. 8-21. - Operational organization.

- (a) There shall be created the office of emergency management director (hereinafter called the "director") of the city, which shall be held by the mayor.
- (b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (c) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (d) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Code 2001, § 1.1001; Code 2010, § 1.05.031)

State Law reference— Emergency management directors and coordinators, V.T.C.A., Government Code § 418.1015.

Sec. 8-22. - Powers and duties of emergency management director.

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city, and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a state of disaster. Such declaration may not be continued or

renewed for a period in excess of seven days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.

- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city emergency management organization, as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (7) Maintenance of liaison with other municipal, county, district, state, regional, federal or other emergency management organizations.
- (8) Marshalling of all necessary personnel, equipment, or supplies from any department of the city to aid in carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the countywide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, subject to approval by the city attorney, for use of private property for public shelter and other disaster relief purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster.
- (13) Other requirements as specified in the Texas Disaster Act of 1975 (V.T.C.A., Government Code ch. 418).

(Code 2001, § 1.1002; Code 2010, § 1.05.032)

Sec. 8-23. - Emergency management plan.

A comprehensive emergency management plan shall be developed and reviewed on an annual basis. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this chapter. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of a disaster.

(Code 2001, § 1.1003; Code 2010, § 1.05.033)

State Law reference— Local emergency management plans, V.T.C.A., Government Code § 418.106; plan for continuity of functions during emergencies authorized, V.T.C.A., Government Code § 418.1101.

Sec. 8-24. - Interjurisdictional program.

The mayor is hereby authorized to join with the county judge and the mayors of other cities in the county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator as well as all powers necessary to participate in a countywide program of emergency management insofar as said program may affect the city.

(Code 2001, § 1.1004; Code 2010, § 1.05.034)

State Law reference— Interjurisdictional programs, V.T.C.A., Government Code § 418.104.

Sec. 8-25. - Liability.

The function specified by this chapter is an exercise by the city of its governmental powers for the protection of the public peace, health, and safety. Neither the city, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate, and use the whole or any parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice attack or natural or manmade disaster shall,

together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

(Code 2001, § 1.1005; Code 2010, § 1.05.035)

State Law reference— Similar provisions, V.T.C.A., Government Code § 418.006.

Sec. 8-26. - Commitment of funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this chapter without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, and property.

(Code 2001, § 1.1006; Code 2010, § 1.05.036)

State Law reference— Local emergency management financing, V.T.C.A., Government Code § 418.107.

Sec. 8-27. - Offenses; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this section.
- (d) Convictions for violations of the provisions of this article shall be punishable by a fine in accordance with the general penalty provision found in section 1-7.

(Code 2001, § 1.1007; Code 2010, § 1.05.037)

Secs. 8-28—8-57. - Reserved.

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2020-010**

A RESOLUTION BY THE CITY COUNCIL OF
THE CITY OF WATAUGA, TEXAS,
CONTINUING THE STATE OF LOCAL
DISASTER; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, on March 17, 2020, Mayor Arthur Miner, acting in accordance with authority granted to him under the Charter and under Section 418.108(a) of the Texas Government Code, declared a local state of disaster for the City due to concerns related to the coronavirus disease 2019 (COVID-19) (the “disaster declaration”); and,

WHEREAS, Section 418.108(b) of the Texas Government Code provides that such a declaration of disaster may not be continued for a period of more than seven days except with the consent of the governing body of the political subdivision; and,

WHEREAS, the conditions necessitating the disaster declaration will continue to exist for a period of more than seven days; and

WHEREAS, the City Council supports the disaster declaration signed by Mayor Arthur Miner on March 17, 2020, and consents to its continuation for a period of more than seven days.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS:

I.

The City Council hereby ratifies the disaster declaration signed by Mayor Arthur Miner on March 17, 2020, and consents to its continuation indefinitely, or until such time as it is terminated by order of the Council.

II.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City of Watauga City Council on this 23rd day of March 2020.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

ANDREA GARDNER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

GEORGE E. HYDE, CITY ATTORNEY



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Purchasing
INITIAL EFFECTIVE DATE	June 25, 2018
LAST REVISION DATE	Replaces <i>Section 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 23.10, 23.11 and 23.12</i> of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014.
POLICY NUMBER	13.01

OBJECTIVE This policy sets forth measures to effectively manage purchasing by City employees using City funds.

SCOPE This policy applies to all eligible employees.

POLICY

A. Purchasing Policy

The following are the policies and procedures for procurement activities by the City of Watauga. All procurement activities for the City shall be administered in accordance with the provisions of this policy, State and local laws and regulations, and City Charter and ordinances. Its purpose is to provide guidance and instruction to all employees for the procurement process. It is the intention to promote open and fair conduct in all aspects of the procurement process.

It is the purpose of these procedures to establish uniform guidelines for procurement of supplies, materials and services for the City. The procedures are designed to

1. Ensure compliance with State and local laws pertaining to municipal purchasing;
2. Meet the operational needs of the City;
3. Provide a timely and cost effective method for acquiring goods and services;
4. Provide reasonable and efficient internal controls;
5. Assist in prevention of any unauthorized purchases by the City, and any evidence of collusion by vendors;
6. Provide the citizens and taxpayers of the City assurance that the best use of the available resources of the City are being realized;
7. Promote competition among bidders and vendors interested in providing products or services to the City.

The Purchasing Division is responsible for ensuring that the City complies with federal, state, and local statutes regulating the public procurement process. The Purchasing Division should be included in all stages of acquisition - planning, requisition, ordering, and receiving. Purchasing is responsible for issuing purchase orders and bids, and negotiating and executing contracts to deliver goods and services. This is to ensure compliance with State of Texas

purchasing statutes and the City's policies.

B. Purchasing Function

The basic function of a municipality's purchasing system is to support and enhance the delivery of City services. The optimum performance of this function requires that the purchasing system continually provide City departments with proper quality, as well as, proper quantity of requested commodities within an acceptable timeframe and at the best value.

C. Procurement Requirements and Legal Considerations

Section 9.08 of the Home Rule Charter states the City of Watauga provides that all contracts, purchases and expenditures exceeding the maximum amount permitted by state law in effect at the time of the expenditure must be expressly approved in advance by the City Council and subject to competitive bidding or competitive sealed proposals and shall be let to the bidder who is most responsive to the needs of the City after consideration all factors and circumstances surrounding the bid, including, but not limited to the lowest price. The City Council retains the right to reject all bids.

The exceptions to bidding requirements as stated in Local Government Code Section 252.022, as now or hereafter amended, shall constitute exceptions to this provision.

In accordance with a City Council Resolution adopted in January 2000, the General Services Commission is authorized to provide purchasing services for the City pursuant to Sections 271.082 and 271.083 of the Local Government Code, as now or hereafter amended. If goods and services, in excess of the maximum amount permitted by state law in effect at the time of the expenditure are purchased through the General Services Commission Cooperative Purchasing Program, the competitive bid process in Section 23.2 and 23.3 of this manual does not have to be followed. General Service Commission has already undertaken the competitive bidding process required in Section 9.08 of the Home Rule Charter. However, before such goods and services can be contracted for, the City Council must approve each purchase in excess of the maximum amount permitted by state law in effect at the time of the expenditure. These same rules apply to all organizations that have undertaken the competitive bidding process.

Purchases of supplies and services per commodity must comply with applicable State laws and must have prior approval by City Council when applicable. When purchasing these items each department shall provide enough lead-time to allow for the appropriate solicitation and City Council when required.

Items that are on existing contract with a vendor should not be procured from any other vendor. To do so may constitute a breach of contract and may result in violations of the competitive bidding statutes.

D. Procurement Procedures and Information

1. Purchases not subject to formal competitive bidding

Purchases less than \$50,000 are not subject to competitive bidding, as defined by the Texas Local Government Code. It is the policy of the City, however, that all purchasers seek to acquire goods and services in a competitive environment. Departments may authorize purchases less than \$50,000 as stated below:

- a. Purchases less than \$3,000 in a fiscal year period may be made without competitive price quotations, and require approval. Individual Directors may exercise discretion regarding the procurement of these purchases.
- b. Purchases greater than \$3,000, but less than \$10,000 in a fiscal year period requires approval through the informal quote process, utilizing the Informal Bid form. Competitive price quotations may be obtained verbally or in writing. Per Local Government Code 252.0215, the City must contact at least two (2) Historically Underutilized Businesses (HUBs) on a rotating basis, based on the information provided by the Texas Comptroller pursuant to Chapter 2161 of the Texas Government Code. If the list fails to identify a HUB in the county, the City is exempt from this section.
- c. Purchases between \$10,000 and \$49,999.99 in a fiscal year period require a minimum of three (3) written formal price quotations utilizing the assistance of the Purchasing Division with a formal Request for Quote process. These purchases must be authorized by Department Director or their appointed designee. All Department Directors must inform Finance of the appointed designees.

2. Purchases subject to formal competitive bidding

The Texas Local Government Code requires either competitive bidding or competitive Requests for Proposals (RFP) for City purchases \$50,000 and greater. City employees are prohibited from making “separate, sequential, or component “purchases to avoid the competitive bidding requirements.

City Council approval is required for the purchases of goods and services \$50,000 and greater.

3. Purchases subject to formal competitive bidding – exceptions

Except for those contracts and/or bids which have been awarded by other local governmental entities with which the City has an existing interlocal or cooperative purchasing agreement, purchases in excess of \$50,000 shall be competitively bid, unless an exception to the competitive bidding statute applies. All purchases in excess of \$50,000 shall be awarded by the City Council.

Exceptions to the competitive bidding requirements shall comply with Local Government Code, Section 252.022 General Exemptions.

4. Procurement of Professional Services

Contracts for professional services shall comply with Section 2254 of the Government Code.

The City Council shall authorize any professional service contract which will exceed \$50,000 during a fiscal year period, as outlined in Chapter 2254 of the Government Code.

5. Local Government Cooperative Purchasing

Whenever it is determined to be advantageous to the City, cooperative purchasing with other local governmental agencies may be used. Purchasing will work with other governmental entities to take advantage of the benefits of joint purchasing arrangement. Purchasing will utilize various cooperative programs available to the City. Such cooperative agreements shall be approved by all governing bodies for each local agency participating in any purchasing cooperative. The provisions of the Local Government Code (Subchapter D, Sections 271.081 through 271.083) and Interlocal Cooperation Contracts Government Code Chapter 791 shall apply.

6. Authorization and Approval of Change Orders

The City Council hereby authorizes the City Manager or their appointed designee to approve any and all individual or cumulative change orders which involve a decrease or an increase of \$50,000 or less, provided the total contract expenditures do not exceed the budgeted amount. Individual or cumulative change orders involving a decrease or an increase in excess of \$50,000 will require approval of the City Council, in accordance with Local Government Code, Section 252.048 Change Orders. Individual or cumulative change orders may not increase more than 25% of the original contract price or decrease the original contract by more than 25%. Any individual or cumulative change greater than 25% will require a new solicitation (or a finding by the City Council that an exception to bidding, such as "health and safety" is applicable to the additional amount).

7. Emergency Purchases

Local Government Code Section 252.022 items 1-3. Emergency purchases are extremely unique and must be considered on a case-by-case basis. An employee who is making a purchase that falls under one of the categories below is not required to comply with the competitive bidding process, but shall still comply with the general purchasing procedure. The three (3) basic categories per the Code include:

- a. Items purchased in case of public calamity to relieve the needs of the citizens or to preserve City property
- b. Items to preserve or protect the public health or safety of the residents of the City
- c. Items necessary because of unforeseen damage to public property

Process of emergency purchases:

- d. The purchasing employee must obtain approval from the City Manager or their designed for all emergency purchases.
- e. The purchasing employee should coordinate with Finance to ensure funds are available.
- f. Purchasing employee should communicate with the vendor(s) and Purchasing in order to complete the request. Purchasing will issue a purchase order number verbally when it is not feasible to obtain a purchase order number, and department

will submit a purchase requisition within 48 hours after the issuance of an emergency order.

8. Sole Source Purchases:

State law allows for a limited exemption from competitive bidding for the purchase of goods where the functional requirements of the City can be satisfied by only one source. This applies to purchases where competition is precluded such as:

- a. The existence of patents, copyrights, secret processes or natural monopolies
- b. The purchase of films, manuscripts or books; purchases of gas, water, or other utility services
- c. Purchase of captive replacement parts or components for equipment

A product is eligible for sole source purchase only when there is a significant functional difference between the product and other similar products on the market, and when the item is available from only one vendor. The following are not sufficient justifications for a sole source purchase:

- d. Product is made by only one manufacturer, if products from other manufacturers are available that perform a similar function
- e. A particular name brand of product is preferred over other brands
- f. Only one local vendor offers a product, if other vendors who offer the product can meet the City's needs

Sole source purchases in excess of \$50,000 will be approved by the City Manager and the City Council prior to the purchase. When City Council approval is necessary, a detailed explanation of the sole source basis for the purchase will be included by the Department on the agenda request.

E. Notice Requirements

Section 252.041 of the Local Government Code specifies the notice requirements for municipalities. Consistent with the local code, the following procedures shall be followed:

- a. If the competitive sealed bid or proposal requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be prior to the 14th day before the date set to publicly open and read the bids.
- b. If the contract is for the purchase of machinery for the construction or maintenance of roads or streets, the notice for bids and the order for purchase must include a general specification of the machinery desired.
- c. Departments are responsible for submitting requests for bids and proposals to Purchasing in sufficient time for the necessary advertisements prior to bid or proposal opening dates. Purchasing will work with the City Secretary's Office for placing the advertisements as required. Purchasing is responsible for preparing Invitations to Bid forms and ensure that each firm known to be interested in bidding on the good or service receives notification.

F. Ethics

Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible vendors and contractors. Moreover, employees should conduct themselves in such a manner as to foster public confidence in the integrity of the procurement process. When in doubt, it is best to avoid any situation which might influence or appear to influence purchasing decisions. At all times, City officials and employees shall:

- a. Comply with all State and local regulations governing conflicts of interest, including Texas Local Government Code Chapter 171
- b. Not knowingly use confidential information for actual or anticipated personal gain
- c. With the exception of the Finance staff, not communicate with vendors during the solicitation process which can lead to vendor disqualification

G. Historically Underutilized Business (HUBs)

Per Texas Local Government Code Section 252.0215 the City, in making an expenditure of more than \$3,00 but less than \$50,000, shall contact at least two (2) historically underutilized businesses on a rotating basis, based on information provided by the Comptroller pursuant to Chapter 2161, Government Code.

If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

Departments should contact Purchasing for assistance with this compliance.

H. Debarment

The City of Watauga may suspend or debar vendors from the consideration of award of contracts. Grounds for suspension or debarment include, but are not limited to:

- a. If the vendor misrepresents its qualifications, experience or provides false information on a bid, proposal or quote response
- b. If the vendor is indicted at the time of submitting a bid, proposal, or quote response for or otherwise criminally or civilly charged by a governmental entity with commission of other similar services or contracts
- c. If the vendor, within a three year period preceding the bid, proposal or quote due date, had one or more public transactions terminated for cause or default
- d. If the vendor violates any Federal, State, and local governmental laws, rules, and regulations relating to its responsibilities, as set forth in the documents or agreement.

I. Order Processing

1. **Purchase Requisition** is an internal electronic form that is part of the City's Incode Financial software system. It is used to inform Purchasing of the needs of a department and to identify the goods or services requested for purchase. All purchase requisitions

are entered into the automated procurement system. Requisitions should be prepared far enough in advance so as not to create an emergency situation. This allows Purchasing adequate time to ensure compliance with policies, laws, and bids, obtain quotes or bids as needed, and ensure reasonable delivery by the vendor.

All requisitions must be approved by the Department Director prior to submitting to Purchasing for assignment of a purchase order. Requisitions numbers are not the same as purchase order numbers. REQUISITIONS MAY NOT BE USED AS PURCHASE ORDERS.

Requisitions in the system that do not have the necessary information will not be approved until all requested information is received by Purchasing.

Once a requisition is approved, the funds for that purchase are “encumbered” or reduced from your available budget.

2. **Purchase Orders** are prepared in Purchasing by converting the information on the purchase requisition into a purchase order. A purchase order is the vendor’s authorization to ship materials or provide services as specified. It acts as a contract between the City and the vendor. No orders are to be placed with vendors except through the issuance of a purchase order by Purchasing.

The purchase order is created and distributed as follows:

- a. One is sent to the vendor via email when available (copied to end user)
- b. One is filed in accounts payable, along with any supporting documentation
- c. One is sent to the User Department (pink receiving copy)

Purchasing will approve packets daily to ensure a timely ordering process. All purchase orders will be processed with vendors by purchasing upon approval.

J. Exceptions

There may be purchasing requirements that are an emergency or of an immediate need in nature. In these instances, contact Purchasing and an appropriate procedure will be worked out so that your department needs are met within a timely manner.

K. Online Orders

On-line orders such as Office Depot should be processed as follows:

- a. Enter your order information as usual
- b. Place order on hold (do not submit order)
- c. Enter Purchase Requisition and follow same procedures above
- d. Backup documentation should be sent to Purchasing, as requested
- e. Once backup documentation has been received, Purchasing will approve the requisition accordingly and release on-line order for order submittal.

L. Blanket Purchase Orders

Blanket purchase orders may be created by the Finance Department for repetitively ordered supplies or services. These are created as a convenience and should be limited to small, repetitive items. Such orders are appropriate when they will reduce the number of purchase orders, administrative costs and paperwork. Rather than issue a separate purchase order for each purchase, one purchase order is issued in advance to cover all purchases made during a specified time period.

The Finance Department shall provide the vendor with the names of City employees authorized to make a purchase under each blanket purchase order.

M. Canceling Purchase Orders

Purchasing may cancel a purchase order upon written request from the User Department. Upon cancellation of the purchase order, all encumbered funds are released.

N. Receiving

It is the department's responsibility to ensure that the order is complete and inspected for quality and quantity and to report any discrepancies to the vendor. There should be an actual inventory of the goods at the time of delivery. If the shipment is complete and undamaged, then the packing slip, and/or delivery ticket along with the pink signed receiving purchase order should be sent to Accounts Payable. The signed pink receiving purchase order is be sent to Accounts Payable as authorization and verification that the products and services have been received and are complete and ready for payment. The Department Director, or appointed designee, should sign these purchase orders. No invoice, with exception of blankets, will be sent to the Department from Accounts Payable. If there is a discrepancy in the invoice amount and the purchase order, the User Department will be notified prior to any payment.

Should the department receive only a partial shipment, or return part of a shipment due to damage or the wrong item delivered, this must be noted on the packing slip, delivery ticket or receiving purchase order before sending to Accounts Payable.

If the User Department receives an invoice with the shipment, it should be sent immediately to Accounts Payable for payment processing.

State Statute requires the City to make prompt payment to vendors no later than the 30th calendar day following the day on which the City received supplies, materials, or equipment, or the day on which performance of services was completed, or the day on which the City received an invoice, whichever is later. It is very important that the User Department promptly process the receiving documents once the products have been received or the services have been completed.

Payment does not have to be made by these deadlines if there is a bona fide dispute over the invoice and/or delivery or service.

If you will be paying in multiple payments, make copies of the purchase order for each payment, mark through the total amount, write "partial payment" and write the amount to be paid with this payment.

If you have problems with a vendor regarding delivery and/or service, contact Purchasing for assistance.

1. Returns

When the materials received are not the same as ordered on the purchase order, contact the Purchasing and the vendor immediately. The Department should notify the vendor as to the discrepancy and arrange exchange, return, or cancellation of the materials. Purchasing should be made aware of all correspondence with vendors. A detailed account should be recorded and forwarded to Accounts Payable.

2. Canceling or Changing Orders

The information on a purchase order may need to be altered for several reasons, which may include: incorrect pricing, substitute item, etc. or canceled altogether. In the event any changes are needed, the Department should notify Purchasing immediately. The purchase order will be revised as needed by Purchasing and the revised purchase order will be sent to the vendor and copied to the Department. The distribution of the revised purchase order will be the same.

In the event an order is to be canceled, the Department is to notify Purchasing immediately. Purchasing will notify vendor that the order is being canceled, followed by confirmation to the Department that the order has been canceled. The receiving pink purchase order should be sent to Purchasing with "CANCELED" indicated and Purchasing will then void the order from the system.

O. Payment Authorization

The Finance Department shall review all purchases prior to issuing payments. Payment authorizations must be properly completed with all necessary signatures. Authorizations signatures verify that all products have been received or services rendered in compliance with the order.

Payment to vendor is based on three documents:

1. Purchase order
2. Appropriately authorized and signed receiving pink purchase order form department indicating receipt of product or services
3. Invoice

Payment will not be made without these three documents.

P. General Steps In Procurement Process

1. Department identifies purchase need.
2. Department generates purchase requisition.
3. Department Director approves purchase requisition.
4. Purchasing ensures compliance in procurement and converts requisition to purchase order.
5. Purchase order is sent to vendor and User Department.
6. Department receives products or services.

7. When order is complete, the Director, or authorized designee, signs copy of the pink receiving purchase order as complete and authorization for payment and sends it along with shipping documents to Accounts Payable.
8. Accounts Payable matches invoice(s) to purchase order and receiving documents and if all match, payment is made. If there is a discrepancy, Accounts Payable will notify the User Department and appropriate action will be taken by Finance.

Q. General Provisions

The following are general provision to be followed with regard to the bid or proposal procedures and projects.

1. As bids and proposals are received by the City, they shall be stamped with the date and time of receipt, and remain unopened.
2. On the date and time of bid opening as designated in the published notice, Purchasing or other persons as designated by the City Manager open the bids at a public meeting. Upon request, bidders should be provided a tabulation of the bids/proposals received and should be informed of the process and schedule to be observed in awarding the contract.
 - a. If the contract is for construction of public works, the successful bidder must provide a bond for the faithful performance for the full amount of the contract.
 - b. Consistent with the Watauga City Charter, the Mayor is the only person authorized to sign contracts and conveyances and the City Council must approve any contract, purchase or expenditure that exceeds the maximum amount permitted by state law at the time of the expenditure subject to competitive bidding or sealed proposals including utilization of purchasing agreements with other entities.
 - c. It shall not be permissible to make several purchases of the same or similar items for the purpose of circumventing the competitive bidding or proposal requirement.
 - d. The Watauga Parks Development Corporation Board and the Watauga Crime Control and Prevention District Board may impose more stringent requirements concerning purchasing and payment authorization requirements.

ARTICLE II. - EMERGENCY MANAGEMENT PROGRAM

Footnotes:

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State Law reference— *Emergency management, V.T.C.A., Government Code ch. 418; local emergency management programs, V.T.C.A., Government Code § 418.101 et seq.*

Sec. 8-21. - Operational organization.

- (a) There shall be created the office of emergency management director (hereinafter called the "director") of the city, which shall be held by the mayor.
- (b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (c) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (d) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Code 2001, § 1.1001; Code 2010, § 1.05.031)

State Law reference— Emergency management directors and coordinators, V.T.C.A., Government Code § 418.1015.

Sec. 8-22. - Powers and duties of emergency management director.

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city, and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a state of disaster. Such declaration may not be continued or

renewed for a period in excess of seven days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.

- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city emergency management organization, as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (7) Maintenance of liaison with other municipal, county, district, state, regional, federal or other emergency management organizations.
- (8) Marshalling of all necessary personnel, equipment, or supplies from any department of the city to aid in carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the countywide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, subject to approval by the city attorney, for use of private property for public shelter and other disaster relief purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster.
- (13) Other requirements as specified in the Texas Disaster Act of 1975 (V.T.C.A., Government Code ch. 418).

(Code 2001, § 1.1002; Code 2010, § 1.05.032)

Sec. 8-23. - Emergency management plan.

A comprehensive emergency management plan shall be developed and reviewed on an annual basis. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this chapter. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of a disaster.

(Code 2001, § 1.1003; Code 2010, § 1.05.033)

State Law reference— Local emergency management plans, V.T.C.A., Government Code § 418.106; plan for continuity of functions during emergencies authorized, V.T.C.A., Government Code § 418.1101.

Sec. 8-24. - Interjurisdictional program.

The mayor is hereby authorized to join with the county judge and the mayors of other cities in the county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator as well as all powers necessary to participate in a countywide program of emergency management insofar as said program may affect the city.

(Code 2001, § 1.1004; Code 2010, § 1.05.034)

State Law reference— Interjurisdictional programs, V.T.C.A., Government Code § 418.104.

Sec. 8-25. - Liability.

The function specified by this chapter is an exercise by the city of its governmental powers for the protection of the public peace, health, and safety. Neither the city, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate, and use the whole or any parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice attack or natural or manmade disaster shall,

together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

(Code 2001, § 1.1005; Code 2010, § 1.05.035)

State Law reference— Similar provisions, V.T.C.A., Government Code § 418.006.

Sec. 8-26. - Commitment of funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this chapter without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, and property.

(Code 2001, § 1.1006; Code 2010, § 1.05.036)

State Law reference— Local emergency management financing, V.T.C.A., Government Code § 418.107.

Sec. 8-27. - Offenses; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this section.
- (d) Convictions for violations of the provisions of this article shall be punishable by a fine in accordance with the general penalty provision found in section 1-7.

(Code 2001, § 1.1007; Code 2010, § 1.05.037)

Secs. 8-28—8-57. - Reserved.

Sec. 7.01. - City manager.

- A. *Appointment and qualifications.* The mayor shall recommend the appointment of a city manager, subject to approval by the city council by vote in accordance with the procedure set forth in section 3.09(c) of this Charter, who shall be the chief administrative officer of the city and shall be responsible to the council for the administration of all the affairs of the city. The city manager shall be chosen by the council solely on the basis of executive and administrative training, education, experience, ability and character. No member of the city council shall during the time for which he is elected and for two (2) years thereafter be appointed city manager.
- B. *Term and salary.* The city manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the city council by vote in accordance with the procedure set forth in section 3.09(c) of this Charter. The action of the council, in suspending or removing the city manager, shall be final. It is the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the council. In case of absence or disability of the city manager, the council may designate some qualified person, other than an elected officer of the city, to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the council and may include a termination benefit package which shall not alter the status of the city manager as an employee at will.
- C. *Powers and duties.* The powers herein conferred upon the city manager shall include but shall not be limited to the following:
1. To appoint and remove any employee of the city except those employees whose appointment or election is otherwise provided by law or this Charter.
 2. Prepare and submit the annual budget and a five year capital improvement program to the council as prescribed in article IX of this Charter.
 3. Submit to the council a report for each month on the finances and administrative activities of the city and a complete report as of the end of each fiscal year.
 4. Provide each department head with a monthly financial report of his department.
 5. Attend all meetings of the council except when excused by the council.
 6. Make a written report to the city council each month on all department expenditures.
 7. To perform such other duties as may be prescribed by this Charter or required by the mayor, as directed by the city council, not inconsistent with provisions of this Charter.
 8. The city manager may appoint, by letter filed with the city secretary, a qualified administrative officer of the city to perform his duties during his temporary absence. The appointment shall be made from a list of qualified individuals previously approved by the city council. In the event of failure of the city manager to make such appointment, or in the case of disability of the city manager, the council may, by resolution, appoint an officer of the city, other than an elected official, to perform the duties of the city manager until he shall return or his disability shall cease.

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2020-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, GRANTING AUTHORITY TO THE CITY MANAGER TO EXPEND OR COMMIT PUBLIC FUNDS OF THE CITY IN CARRYING OUT EMERGENCY MANAGEMENT ACTIVITIES AUTHORIZED BY CHAPTER 8 OF THE CITY OF WATAUGA CODE OF ORDINANCES WITHOUT PRIOR APPROVAL OF THE CITY COUNCIL; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas pursuant to the Home Rule Charter, Section 7.01A, and pursuant to Section 7.01C(7) of the Home Rule Charter, the City Manager shall serve as the administrative and executive officer of the City of Watauga, Texas and shall execute all contracts and related instruments as provided in the procurement policy; and

WHEREAS, the City's Purchasing Policy requires City Council approval for purchases of goods and services \$50,000 or greater; and

WHEREAS, the City's Emergency Management Program included in Chapter 8 of the Code of Ordinances, and pursuant to Section 8-26, grants authority to the mayor to expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, and property; and

WHEREAS, the City's Code of Ordinances cannot preempt the City Charter language; and

WHEREAS, the action authorized by this Resolution is in furtherance of the public interest, for the good of the community, and necessary and proper for carrying out the authority granted by the City Charter to the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watauga, Texas that:

I.

The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.

II.

The City Council of the City of Watauga, Texas hereby authorizes the City Manager to expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, and property.

III.

This Resolution shall be and is hereby cumulative of all other resolutions of the City of Watauga, Texas and this resolution shall not operate to repeal or affect any such other resolutions except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this resolution, in which event such conflicting provisions, if any, in such other resolution or resolutions are hereby repealed.

V.

If any section, subsection, sentence, clause or phrase of this resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution.

VI.

This resolution shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas on this 23rd day of March 2020.

APPROVED

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Declared Emergency Plan
INITIAL EFFECTIVE DATE	March 23, 2020
LAST REVISION DATE	New
POLICY NUMBER	18.03

OBJECTIVE The City endeavors to provide a safe work environment for all employees and ensure the continuity of essential City operations during a declared emergency. The City will comply and act in accordance with regulations set by Centers for Disease Control and Prevention (CDC) and/or orders by the U.S. Government. This policy will remain in effect until the City determines that the emergency is no longer a threat to the organization or its employees.

SCOPE This policy applies to all employees.

POLICY

A. Precautionary Measures

1. Sick Employees

- Stay home when you are sick and self-isolate from non-sick family members.
- Do not go out in public when you are sick.
- If you are ill in any way, call your doctor's office first before going to a medical office for diagnosis or treatment.
- Do not go to the emergency room unless you are experiencing a medical emergency. Emergency rooms need to be able to serve those with the most critical needs.
- If you have symptoms like cough, fever, or other respiratory problems, stay home and self-isolate until you have contacted a healthcare professional.
- Supervisors have been directed to send employees home if they are exhibiting symptoms that are recognizable as a contagious medical condition. An employee may be required to have their temperature taken.

2. Work Attendance

- Employees who are sick need to stay at home until they are fever and symptom free for 48-hours. (This does not apply to non-contagious illnesses such as an injury, migraine headache, diabetic episode, etc.)
- Employees with members of their household who are sick are encouraged to stay home as well.
- Employees who have confirmed cases of the Coronavirus virus cannot return to work until after 14 days diagnosed in accordance with the Centers for Disease Control and Prevention (CDC) guidelines. A release from a doctor is required.

3. Work Activity Variations

- a. Encourage increased hygiene using provided supplies, such as:
 - Sanitize personal work stations daily.
 - Wash your hands often with soap and water for at least 20 seconds. (Signs have been posted in City restrooms as a reminder)
 - Use alcohol-based hand sanitizer when soap and water are not available.
 - Avoid touching eyes, nose and mouth with unwashed hands.
- b. Use work level social isolation when possible
 - Avoid group meetings in small spaces like offices when possible.
 - Avoid meeting with groups of more than 10.
 - Try and maintain six (6) foot separation distance.
 - Use digital means for communication to reduce hand-to-hand and face-to-face transmission.
 - Replace face to face visits with phone calls and emails.
 - Scan and email documents including receipts, purchase orders, and other city related documents

B. Expectation to Report to Work

1. Employees are expected to report to work per the normal schedule, unless otherwise instructed.
2. While some programs and facilities are closed to the public, employees are expected to report to work and perform duties as assigned.

C. Volunteers

1. Volunteers will not be used during this period.

D. Business Travel

1. Business travel is discouraged.
2. Employees will not be allowed to travel to areas identified as Level 3 high risk areas by the Centers for Disease Control and Prevention (CDC) or U.S. Government. These areas are also known as "hot spots."
3. If an employee has a conference/training scheduled and the employee expresses concerns about attending, the employee will not be required to attend.
4. Employees are discouraged from using mass transportation.

E. Personal Travel

1. Vacation requests are subject to Department Head approval.
2. Employees are discouraged from using mass transportation.

F. Essential Personnel

1. All employees are expected to return to work unless otherwise instructed.
2. Essential Personnel including Police Officers, Firefighters and certain Public Works employees are required to work regardless of City closure.
3. These employees will earn compensatory pay at straight time should City facilities be closed by the City Manager and non-essential personnel be instructed to not report to work. These employees will have 12 months from the date of earning the compensatory pay to utilize the accrual.

G. Leave Accruals during a Declared Emergency

1. If absent from work, employees will use available leave accruals including sick leave, vacation leave, holidays, personal days and compensatory time.
2. Should the employee require additional time away from the office, the employee will be allowed to "go negative" into sick time up to an additional two (2) weeks. This additional sick leave will be considered a salary advance and will be repaid in subsequent pay periods at the standard accrual rates.
3. Should the employee leave the City prior to repaying the advance any negative amounts will be collected upon termination.
4. The City will remain consistent with all efforts of pending federal or state legislation passed in response to any national, state, or local emergency.

H. Employee Absence Due to Exposure

1. If an employee is diagnosed with the virus as a result of exposure, and it is assumed that the expose occurred while working, a workers' compensation claim will be filed. An investigation will be conducted by the City's carrier to determine if it was a work-related exposure. Policy 7.02 Workers' Compensation may apply. The Family Medical Leave Act as required by law and Policy 8.04 Family Medical Leave Act may also apply.
2. The Families First Coronavirus Act, a temporary extension of the Family and Medical Leave Act, effective April 2, 2020 and ending December 31, 2020, provides that an eligible employee is entitled to up to 80 hours of emergency paid sick leave for the following reasons, if related to COVID-19:
 - a. The employee is subject to a federal, state, or local quarantine or isolation order;
 - b. The employee has been advised by a health care provider to self-quarantine;
 - c. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - d. The employee is caring for an individual who is subject to a federal, state, or local quarantine or isolation order or has been advised to self-quarantine;
 - e. The employee is caring for a child of the employee if the child's school or child care provider has been closed or the child care provider is unavailable due to COVID-19; or
 - f. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.

3. If an eligible employee intends to receive paid sick time under the Families First Coronavirus Act, notice must be provided to the City by the first workday after taking the sick time and the City may require additional notice in order to continue receiving such paid sick time.
4. An employee eligible for paid sick leave for the reasons stated in Section H.2. may also elect to use existing accruals in lieu of emergency paid leave under the Families First Coronavirus Act. Employees that exhaust emergency paid leave pursuant to the Families First Coronavirus Act and need additional leave will be dealt with on a case-by-case basis by the appropriate Department Head.

I. Absence Due to Underlying Medical Condition

1. If an employee with an underlying medical condition expresses concern about reporting to work, the Department Head will evaluate the matter and make a recommendation to the City Manager. These will be handled on a case by case basis.
2. Employees over the age of 60 may fall under this category.
3. Disclosure of the underlying medical condition is a condition that would immediately reflect a protected status from non-discrimination or differential treatment.
4. The employee will be required to use leave accruals.
5. Employee will be required to provide a medical release from a physician stating ability to return to work.

J. Absence Due to Concern over the Spread of the Virus

1. If an employee expresses concern about reporting to work, the Department Head will evaluate the matter and make a recommendation to the City Manager.
2. The employee will be required to use leave accruals.
3. Employee will be required to provide a medical release from a physician stating ability to return to work

K. Absence due to lack of child care

1. Due to closures of schools and daycares, an employee may request to use leave accruals to care for their children. Department Heads will grant leave on a case by case basis evaluating operation needs and with fairness amongst all employees.
2. An employee is eligible for paid leave under the Families First Coronavirus Response Act, effective April 2, 2020, if the employee is unable to work to telework due to a need for leave to care for the employee's child if the child's school or child care provider is unavailable due to COVID-19.
 - a. Under this Act, eligible full-time and part-time employees are entitled to 12 weeks of job-protected leave. The first 10 days of the protected leave shall be unpaid, but an employee may elect to substitute any accrued paid time off for the unpaid leave.
 - b. When the need for leave is foreseeable, an eligible employee shall provide the employer notice of leave as practicable.

- c. Employees that exhaust emergency paid leave pursuant to the Families First Coronavirus Act and need additional leave will be dealt with on a case-by-case basis by the appropriate Department Head.

L. Return to Work

1. Employees who are absent for three (3) or more days due to any sickness are required to present a release to return to work from their doctor. The City may suspend this requirement at any time during an emergency, and in the absence of a doctor's note may require an employee to consult with Human Resources regarding their readiness to return to work.

M. City Events

1. The City Manager and/or Emergency Management Coordinator participate in regular briefings held by the State Department of Emergency Management and Tarrant County Health Department to determine the need to cancel events.
2. Cancellation of these events will be determined by the City Manager.

N. City Operations Exposed to the Public

1. Operations exposed to the public such as Utility Billing, Animal Shelter, Permits, Library, Senior Center and Community Center will be evaluated on a case by case basis. Closure of these operations will be determined by the City Manager.
2. Citizens will be encouraged to utilize online or telephone payment options for utility and citation payments.
3. Notices prepared by the Emergency Management Center will be placed at all City Facilities and Events accepting the general public.
4. The Emergency Management Center has prepared precautionary measures for the public. There are three (3) phases (Preparedness, Minimal to Moderate and Substantial) for the COVID-19.

O. Public Information

1. City will communicate with citizens about the status of city operations via social media, the city's website and/or by phone.

P. Expenditures

1. All expenditures generated as a result of the declared emergency will be tracked using a specified account number provided by Finance. As an example, these types of expenditures include the ordering of larger quantities of sanitation supplies.
2. Employees should be diligent in their expenditures and refrain from unnecessary spending at this time so as not to exceed the approved budget.

Q. Failure to Follow Policy Requirements

1. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action in accordance with City policy up to and including termination.

DRAFT

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2020-008**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY
OF WATAUGA, TEXAS ADDING POLICY 18.03
DECLARED EMERGENCY PLAN TO THE PERSONNEL,
ADMINISTRATION AND FINANCIAL POLICIES AND
PROCEDURES MANUAL REGARDING PROCEDURES
TO MAINTAIN ESSENTIAL CITY OPERATIONS AND
PROVIDE A SAFE WORK ENVIRONMENT IN A
DECLARED EMERGENCY ; PROVIDING FOR REPEAL;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Article III, Section 3.07(m) of the Home Rule Charter of the City of Watauga, Texas (hereinafter “the City”) provides that the City Council fix the salaries and compensation of the city officers and employees, and establish qualifications, rules and standards of and for all employees of the City; and

WHEREAS, the health and well-being of our citizens, employees and the community is a top priority for the City of Watauga; and

WHEREAS, in coordination with Tarrant County Health Services and in response to the declarations of a State of Emergency by the County, State of Texas and the President of the United States, the City of Watauga is following recommendations to minimize the potential for spread of the COVID-19 virus; and

WHEREAS, proposed Policy 18.03 provides procedures for maintaining a safe work environment for employees and maintaining the continuity of essential City operations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The City Council of the City of Watauga hereby finds that the statements set forth in the recitals of this Resolution are true and correct and hereby incorporates such recitals as a part of this Resolution.

II.

Policy 18.03 Declared Emergency Plan of the City's Personnel, Administration and Financial Policies and Procedures Manual as set forth in Exhibit "A" attached hereto and incorporated by reference, is hereby adopted.

III.

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

IV.

If any section, sub-section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution.

V.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the 23rd day of March, 2020.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

ANDREA GARDNER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

GEORGE HYDE, City Attorney



COVID-19 -- As recommended precautions continue to increase for COVID-19, the James E. Rudder Building will be closed to visitors and customers beginning Wednesday, March 18, 2020. The Office of the Secretary of State is committed to continuing to provide services to ensure business and public filings remain available 24/7 through our online business service, [SOSDirect](#), as well as [United States Postal mail](#), [email](#), and [faxes](#). If needed, you may schedule an appointment by calling (512) 463-5555. Calls will be accepted Monday – Friday, 8:00 am – 5:00 pm. Thank you in advance for your patience during this difficult time.

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

Election Advisory No. 2020-12

To: Election Officials

From: Keith Ingram, Director of Elections

A blue ink signature of Keith Ingram, the 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

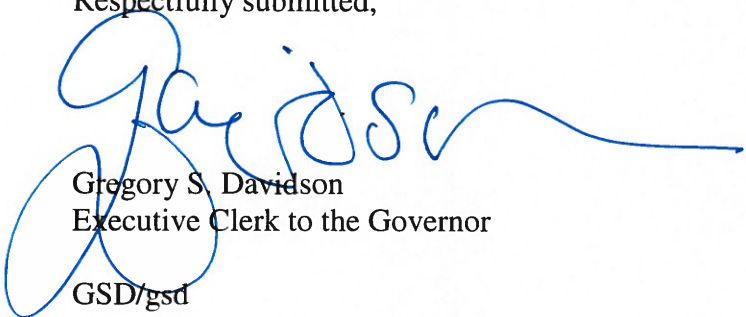
Dear Secretary Hughs:

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

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

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.

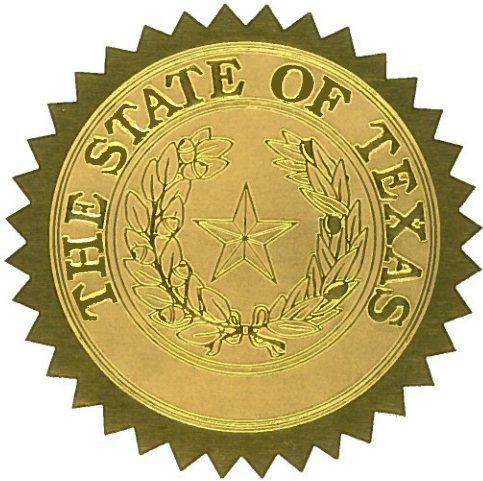
NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions 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

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2020-015

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, CALLING FOR THE POSTPONEMENT OF A MAY 2, 2020 GENERAL AND SPECIAL ELECTION TO NOW BE HELD ON NOVEMBER 3, 2020; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE

WHEREAS, a May 2, 2020 general election for City Council Member Places 1, 2, 6, and 7, and special election for the reauthorization of a municipal sales and use tax for street maintenance were ordered in the City of Watauga, Texas (the “City”) by the Watauga City Council; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and,

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and,

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and,

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020; and,

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and,

WHEREAS, on March 17, 2020, a Declaration of Local Disaster was issued to allow the City of Watauga to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Watauga residents; and,

WHEREAS, On March 18, 2020, Governor Greg Abbott issued a proclamation allowing a local political subdivision to postpone local elections set for May 2, 2020 to the next uniform election date, and the City Council wishes to exercise this authority; and

WHEREAS, the City Council hereby finds and determines that postponement of the general and special elections until the November 3, 2020 election date is in the best interest of the health and safety of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

II.

The regular candidate filing period for the May 2, 2020 election, having closed on February 14, 2020, will remain valid for the election held on November 3, 2020, and the candidate filing period will not be reopened for the November election date.

III.

All voters who vote using the Application for Ballot by Mail due to being over 65 years of age or due to a disability will still be valid for the postponed election, and all voters who submitted Applications for Ballots by Mail because of an expected absence from the county would not be valid for the postponed election. Any returned mail ballots will still be valid for the November 3, 2020 election.

IV.

The voter registration deadline for the November 3, 2020 election is October 5, 2020.

V.

The deadline to submit an Application for Ballot by Mail for the November 3, 2020 election is October 23, 2020.

VI.

The dates for early voting for the November 3, 2020 election will be October 19, 2020 through October 30, 2020.

VII.

The election shall be conducted according to the election laws of the State of Texas and the Home Rule Charter of the City of Watauga.

VIII.

The City Council for the City of Watauga will meet no later than August 17, 2020 to make any necessary revisions to this order.

IX.

All resident qualified electors of the City shall be permitted to vote at the election and on the day of the election, such electors shall vote at the Tarrant County, Texas designated polling place(s). The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and Chapter 327, Tax Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in English, Spanish, and Vietnamese.

X.

A substantial copy of this Ordinance shall serve as proper notice of the election. Such notice, including a Spanish and Vietnamese translation thereof, shall be posted not later than the 21st day before the election on the bulletin board used for posting notices of meetings of the City Council and shall also be published at least once not earlier than the 30th day nor later than the 10th day before the election in a newspaper of general circulation in the City.

XI.

This Ordinance shall be and is hereby cumulative of all other Ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any 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.

XII.

If any section, subsection, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

XIII.

This Ordinance shall become effective and shall be in full force and effect from and after the date of its passage and adoption by the City Council of the City of Watauga, Texas, and it is so ordained.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, this the 23rd day of March, 2020.

Approved:

ARTHUR L. MINER, MAYOR

Attest:

ANDREA GARDNER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

GEORGE E. HYDE, CITY ATTORNEY

PUBLIC INFORMATION ACT CATASTROPHE NOTICE

Governmental Bodies: Please review instructions on the back of this page prior to completing the form. Instructions may also be viewed at <http://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice>.

SECTION 1 – GOVERNMENTAL BODY IMPACTED BY THE CATASTROPHE

GOVERNMENT CODE § 552.233

Pursuant to section 552.233(b), a governmental body may suspend the applicability of the requirements of the Public Information Act (the “Act”) if the governmental body is currently impacted by a catastrophe and provides proper notice in accordance with this section.

(Name of Governmental Body Impacted by Catastrophe) PLEASE PRINT

SECTION 2 – IDENTIFY AND DESCRIBE CATASTROPHE

Section 552.233(a)(1) defines catastrophe as a “condition or occurrence that interferes with the ability of a governmental body to comply with the requirements of this chapter[.]” Identify and describe the catastrophe impacting the governmental body:

SECTION 3 – SUSPENSION PERIOD

The initial suspension period may not exceed seven consecutive days and must occur during the period that (1) begins not earlier than the second day before the date the governmental body submits notice of the Office of the Attorney General (the “OAG”); and (2) ends not later than the seventh date after the governmental body submits that notice. See Gov’t Code § 552.233(d).

Beginning Date of Initial Suspension: _____

End Date of Initial Suspension: _____

TO THE PUBLIC: For questions regarding this notice or if you believe a violation of the Act has occurred, please contact the **OAG Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839.

SECTION 4 – GOVERNMENTAL BODY CONTACT INFORMATION

Name: _____

Title: _____ **Phone Number:** _____

Signature: _____ **Date:** _____

PUBLIC INFORMATION ACT CATASTROPHE EXTENSION NOTICE

Governmental Bodies: Please review instructions on the back of this page prior to completing the form. Instructions may also be viewed at <http://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice>.

SECTION 5 – GOVERNMENTAL BODY IMPACTED BY THE CATASTROPHE

GOVERNMENT CODE § 552.233

Pursuant to section 552.233(b), a governmental body may suspend the applicability of the requirements of the Public Information Act (the “Act”) if the governmental body is currently impacted by a catastrophe and provides proper notice in accordance with this section.

(Name of Governmental Body Impacted by Catastrophe) PLEASE PRINT

SECTION 6 – IDENTIFY CATASTROPHE

Provide the date of the initial suspension period and identify the catastrophe listed on the initial catastrophe notice form that is continuing to impact the governmental body.

Dates of Initial Suspension Period: _____

Identify Catastrophe: _____

SECTION 7 – EXTENSION NOTICE

[] Notice is hereby given, pursuant to section 552.233(e) of the Government Code that the governmental body is still impacted by the catastrophe as described above and will extend its suspension of the requirements of the Act for an additional period of time from:

Beginning Date of Extension: _____

End Date of Extension: _____

TO THE PUBLIC: For questions regarding this notice or if you believe a violation of the Act has occurred, please contact the **OAG Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839.

SECTION 8 – GOVERNMENTAL BODY CONTACT INFORMATION

Name: _____

Title: _____ **Phone Number:** _____

Signature: _____ **Date:** _____

PUBLIC INFORMATION ACT CATASTROPHE NOTICE INSTRUCTIONS

These are the instructions for completing the Office of the Attorney General's ("OAG") Public Information Act Catastrophe Notice form pursuant to section 552.233 of the Government Code. If you have any questions concerning the form, please contact the **Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839.

SUBMITTING NOTICE TO THE OAG: Notice may be provided to the OAG by any of the following methods:

- Online submission form: <http://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice/submit-catastrophe-notice>
- Mailing the notice to the following address:
Attn: Public Information Act Catastrophe Notice
Office of the Attorney General - Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

If you are unable submit the notice by any of the listed methods, please contact the **Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839 for assistance.

SECTION 1: Provide the name of the governmental body impacted by the catastrophe. Section 552.233(a)(1) of the Government Code defines catastrophe as "a condition or occurrence that interferes with the ability of a governmental body to comply with the requirements of this chapter[.]"

SECTION 2: Identify and provide a detailed description of the catastrophe, including how the catastrophe interferes with the ability of the governmental body to comply with the requirements of the Act. The catastrophe description should enable any person who views this notice to readily identify the catastrophe and its impact on the governmental body.

SECTION 3: Provide the dates of the initial suspension period of the governmental body. The suspension may be instated for a period of up to seven consecutive days. The initial suspension period may begin up to two days before the governmental body provides proper notice to the OAG, but it may not be for longer than seven consecutive days.

SECTION 4: Provide the contact information of the governmental body's Public Information Officer or an authorized agent. The person listed should be able to answer any questions the OAG may have regarding the governmental body's catastrophe notice.

PUBLIC INFORMATION ACT CATASTROPHE EXTENSION NOTICE INSTRUCTIONS

These are the instructions for completing the Office of the Attorney General's ("OAG") Public Information Act Catastrophe Notice form pursuant to section 552.233 of the Government Code. If you have any questions concerning the form, please contact the **Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839.

SUBMITTING NOTICE TO THE OAG: Notice may be provided to the OAG by any of the following methods:

- Online submission form: <http://www.texasattorneygeneral.gov/open-government/governmental-bodies/catastrophe-notice/submit-catastrophe-notice>
- Mailing the notice to the following address:
Attn: Public Information Act Catastrophe Notice
Office of the Attorney General - Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

If you are unable submit the notice by any of the listed methods, please contact the **Open Government Hotline** at (512) 478-6736 or toll free 1-877-673-6839 for assistance.

SECTION 5: This page should not be filled out unless the governmental body has determined it is still impacted by the catastrophe on which the initial suspension period was based. See Gov't Code §552.233(e).

SECTION 6: Provide the dates of the initial suspension period and identify the catastrophe listed on the initial notice of catastrophe form.

SECTION 7: Provide the dates for the extension of the initial suspension period. The suspension period may be extended an additional seven consecutive days. The suspension period may only be extended one time and must begin on the day following the end date of the initial suspension. The total timeframe of the suspension period should not exceed fourteen days. A copy of this form noting the extension must be provided to the OAG. The extension notice should be signed by the governmental body's Public Information Officer or an authorized agent.

SECTION 8: Provide the contact information of the governmental body's Public Information Officer or an authorized agent. The person listed should be able to answer any questions the OAG may have regarding the governmental body's catastrophe notice.

Notice of Suspension – Public Information Act

Pursuant to Texas Government Code Section 552.233, The City of Watauga, Texas (the “City”) has elected to temporarily suspend its requirements under the Public Information Act (“PIA”) due to the spread of coronavirus (COVID-19) and lack of personnel available to assist with responding to PIA requests. Pursuant to Section 552.233, the requirements of the PIA do not apply to a governmental body during a suspension period if the governmental body: 1) is currently impacted by a catastrophe; and 2) complies with the requirements of Section 552.233. The City has submitted a notice of catastrophe to the Office of the Attorney General pursuant to Texas Government Code Section 552.233(c). Currently, the suspension is in effect beginning March ____, 2020 and ending March ____, 2020 but may be extended by an additional seven days pursuant to Section 552.233(e), Government Code.

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2020-009

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS TO SUSPEND APPLICABILITY OF REQUIREMENTS UNDER THE PUBLIC INFORMATION ACT AS PROVIDED BY SECTION 552.233, GOVERNMENT CODE IN RESPONSE TO THE COVID-19 DISASTER; SENDING APPROPRIATE NOTICE TO THE ATTORNEY GENERAL; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the morning of March 13, 2020, Governor Greg Abbott declared that the COVID-19 pandemic is a statewide public disaster; and

WHEREAS, on the afternoon of March 13, 2020, President Donald Trump declared a national emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Mayor Arthur Miner proclaimed and declared a local state of disaster within the City of Watauga, Texas, to continue in effect until March 24, 2020, unless continued by the City Council; and,

WHEREAS, on March 19, 2020 Governor Greg Abbot issued executive order GA-08 in accordance with federal guidelines to mitigate the spread of COVID-19, which served to limit public gatherings and reduce exposure for people across the state, which began on March 20, 2020 and will end at 11:59 p.m. on April 3, 2020; and

WHEREAS, on March 23, 2020, the City Council passed and adopted a resolution ratifying the Mayor's declaration of disaster and extending it indefinitely, or until such time as terminated by the City Council; and

WHEREAS, Section 552.233(b) of the Government Code allows a governmental body to suspend the applicability of the requirements of the Texas Public Information Act (the "TPIA") if the governmental body is currently impacted by a catastrophe and provides proper notice of the suspension to the Attorney General; and

WHEREAS, Section 552.233(a)(1) of the Government Code defines catastrophe as a "condition or occurrence that interferes with the ability of a governmental body to comply with the requirements of this chapter"; and

WHEREAS, the governing body of the City of Watauga is currently impacted by the COVID-19 pandemic, which the City considers as catastrophe as defined by Section 552.223(a)(1), Government Code; and

WHEREAS, in light of this catastrophe, the City is subscribing to CDC guidelines that include social distancing and that encourage teleworking, thus interfering with the ability of the City to comply with the Public Information Act, and wishes to suspend the applicability of the requirements of the TPIA for seven days, as allowed by Section 552.233(d), Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct and adopted herein for all purposes.

II.

That the City Council of the City of Watauga shall provide notice, as provided by Section 552.223 of the Government Code, to the Office of the Attorney General that the City will suspend the applicability of the requirements of the Texas Public Information Act for seven days beginning on the 23th day of March, 2020, and ending on the 30th day of March, 2020. If the need for suspension of applicability of the requirements of the Public Information Act still exists at the end of the seven-day period, the City Council of the City of Watauga authorizes the City Manager to determine whether to extend the period of suspension for an additional seven days, as provided for in Section 552.233(e), Government Code and to send appropriate notice to the Office of the Attorney General of the extension.

III.

That this resolution shall take effect immediately from and after its issuance.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the 23rd day of March, 2020.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

ANDREA GARDNER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

GEORGE HYDE, City Attorney