



## SUGGESTED STATUTE SUSPENSIONS IN LIGHT OF COVID-19 EMERGENCY VERSION 2 – UPDATED 03.20.2020

**\*The governor granted key requests relating to: (1) Open Meetings Act suspensions; and (2) May election date options. City officials commend him on these efforts. Below is a list of other requested suspensions.**

**The following are the most urgent requests:**

**Public Information Act:** The Public Information Act, Government Code [Section 552.233](#), contains some relief from deadlines in a declared state of disaster, but it doesn't envision a long-term crisis like COVID-19. Additional relief from the deadlines is needed. In addition, suspending fees for using the attorney general's [e-filing system](#) is warranted.

**Election laws:** The authority to postpone elections until November is very helpful. Other suspensions that would help include: (1) allowing a city to [cancel a special election](#) that was voluntary in the first place, e.g., a bond election; (2) extending the expiration of sales taxes that would otherwise expire in May to November, such as the [municipal street maintenance sales tax](#); (3) and providing another election date option other than the November date, such as an August date or the primary runoff date.

**Zoning procedures, substandard structure procedures, and impact fee procedures:** Local Government Code [Chapter 211](#) governs zoning procedures, [Chapters 54](#) and [214](#) govern substandard building abatement, including public hearings and notices, [and Chapter 395](#) governs impact fees. Considering that many city employees and businesses are responding to COVID-19-related issues and/or working remotely, temporary suspension of those requirements is reasonable.

**Suspension of statutory "shot clocks":** Local Government Code [Chapter 212](#), as amended by H.B. 3167 (2019), imposes several time limitations under which a city must act on plat approval. Local Government Code Chapter 284, [Subchapter D](#), mandates that a provider's application to place cell-related equipment in a city's right-of-way has to be acted upon within a certain period of time. Considering that many city employees are responding to COVID-19-related issues and/or working remotely, temporary suspension of those deadlines is reasonable.

**Competitive procurement:** Various [competitive procurement requirements](#), such as statutory deadlines are proving to be burdensome, including for [professional services](#).

**Audit deadline:** A city's [annual audit](#) and financial statement, including the auditor's opinion on the statement, shall be filed in the office of the municipal secretary or clerk within 180 days after the last day of the municipality's fiscal year. Most cities' fiscal year ended September 30, 2019, with the audit being due shortly.

**Cybersecurity training deadline:** [State law](#) mandates that most city officials and employees complete cybersecurity training by June 14, 2020. The Department of Information Resources is still in the process of implementing its programs, and cities will need time to comply.

**The following are additional requests:**

**Open Meetings Act:** The existing suspensions have been very helpful. Some cities are also seeking the authority to conduct an executive session to be briefed by their staff and/or experts on the effects of the virus on their operations.

**Assisting local businesses:** One way to get money immediately into the economy to help our small business would be to allow the use by [Type A](#) or [Type B economic development corporation](#) sales taxes for a broader array of “projects,” including grants and loans to local hospitality and other businesses to get them through the disaster.

**Sex offenders:** [Chapter 62](#) of the Code of Criminal Procedure required sex offenders in certain cases to register with the local police department. Suspension of the in-person requirement makes sense in light of COVID-19.

**Disease control measures:** Health and Safety Code [Chapter 81](#) governs control of communicable diseases. That chapter’s provisions related to area quarantines isn’t workable because it makes a violation a crime. Taking infected patients who resist to jail may not be a reasonable protocol.

**Employment law:** At least three employment law provisions are relevant: (1) a city that doesn’t have an existing policy may be prohibited by [Article III, Section 53](#), of the Texas Constitution from paying paid emergency leave to quarantined employees – cities need to take care of their employees just as any private employer would; and (2) Local Government Code [Chapter 143](#) has various deadlines related to police officer/firefighter discipline in certain cities that need to be extended; (3) it may make sense to suspend deadlines for occupational licenses for firefighters and EMTs during the pandemic.

**Water utility issues:** Several issues are relevant: (1) Texas Water Code [Section 7.052\(d\)](#), which provides that each day of a violation is a separate offense, should be suspended so long as a city can demonstrate that: (a) it made a reasonable effort to address the ongoing violation, and (b) such effort was inhibited by the COVID-19 situation; (2) encourage TCEQ to assist with obtaining water purification and treatment supplies.

**Various reporting requirements, e.g. [comptroller hotel tax](#) and [eminent domain reporting](#):** these are just two examples of reporting statutes. Perhaps a blanket 30-day extension for all reporting statutes is appropriate.

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