

**SPECIAL MEETING
CITY COUNCIL
CITY OF NASSAU BAY, TEXAS
MARCH 21, 2020
12:00 PM**

MEMBERS OF COUNCIL PRESENT: Mayor Mark Denman, Councilmembers Ashley Graves, John Mahon, Bryce Klug, Bob Wartens, and Councilmember-Elect Phil Johnson

MEMBERS OF COUNCIL ABSENT: Mayor Pro Tem Don Matter (teleconference) and Councilmember Matt Prior (teleconference)

OTHERS PRESENT: City Manager Jason Reynolds, City Secretary Sandra Ham, Assistant City Manager Mary Chambers, Police Chief Tim Cromie, Fire Chief Tom George, Human Resources Manager Chani Honeycutt, and Planning Commission Chairman Roscoe Lee

PRESIDING: Mayor Mark Denman

CALL TO ORDER AND ROLL CALL OF MEMBERS

Mayor Mark Denman called the meeting to order at 12:00 p.m. and announced a quorum of Council was present with five elected officials in attendance.

CITIZENS' REQUEST FOR HEARING BEFORE CITY COUNCIL

Mayor Mark Denman announced a Public Hearing for citizens to address Council regarding any issues or concerns.

The Public Hearing was opened at 12:01 p.m.

There were no public comments and the Public Hearing was immediately closed.

NEW BUSINESS

Discussion on the postponement of the May 2, 2020 General & Special Election pursuant to Governor Greg Abbott's proclamation suspending certain provisions of the Texas Election 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

Mayor Mark Denman began the discussion by describing the concerns and risks associated with a May 2, 2020 election. Due to the COVID 19 pandemic and the CDC's recommendation regarding social distancing measures, Governor Greg Abbott issued a proclamation allowing cities to postpone their election from the May 2nd uniform election date, to the November 3rd uniform election date. Concerns include facility availability, any potential stay at home orders issued to the general public, and safety risks to the voting population.

Councilmember Bryce Klug questioned whether there was any possibility for the City to host the election earlier than November 3, 2020. City Manager Reynolds responded with

the details of Governor Abbott's order, stating the order only allows for the election to be held in May or November. Additionally, this order was a one-time allowance due to COVID-19, as no future May elections will be held in November. Mr. Reynolds did indicate there are several other cities who are attempting to lobby the State of Texas in hopes of allowing an earlier election date. Councilmember Bryce Klug indicated that although he would like to host the election as soon as legally possible, he understood the concerns of hosting a May 2nd election.

Discussion continued on the effects of postponing the election. Councilmember John Mahon inquired whether the current Councilmembers with terms to expire in May 2020 would remain on Council. It was affirmed that Councilmembers would continue their term until canvassing of the November Election. Mayor Denman asked Councilmember Ashley Graves if she would be willing to continue her term of office until November, with Councilmember Graves responding positively yes. Mayor Denman also agreed to continue his term of office until November.

Councilmember Bob Warters inquired on the Application for Ballot by Mail process, specifically on those applications not marked as "annual", but only marked for the May ballot. City Secretary Sandra Ham clarified several details issued in Governor Abbott's election order:

- (1) The filings of candidates would remain valid and the filing period for additional candidates would not be re-opened (i.e., no new candidates).
- (2) All Annual Applications for Ballot by Mail (ABBM) for voters that are voting by mail due to being over 65 or due to disability will still be valid for the November 3, 2020 election.
- (3) ABBMs for voters who submitted an application based on an expected absence from the County will not be valid for the postponed November 3, 2020 election.
- (4) The voter registration deadline for the November 3, 2020 election is October 5, 2020, with the deadline to submit an ABBM as October 3, 2020.
- (5) Per Governor Abbott's order, Harris County would be required to conduct the City's election. Early voting dates are October 19, 2020 to October 30, 2020.

It was agreed that an effective communication plan would need to be in place to ensure voters understand the changes with the ABBM process and any additional details regarding the November 3, 2020 election.

Discussion continued on the efforts of area cities, particularly in relation to the COVID-19 pandemic and the election. City Secretary Sandra Ham stated she reached out to regional City Secretaries, and her research indicated the cities of La Porte, Webster, Seabrook, Kemah, and Clear Lake Shores will be considering postponement or have already postponed their May 2nd election.

Election Presiding Judge Tuie Lee addressed City Council and clarified if Harris County conducts the election, she would no longer be a part of the process for the November 2, 2020 election. Councilmembers expressed appreciation for her continued service to the City.

City Manager Reynolds stated there were concerns with a November 3rd election, and wanted to ensure Council understood that the City's ballot would be at the bottom of the

presidential ballot. The ballot presented to the voters in November would be much longer. The local ballot includes the Mayoral race, three unopposed City Council positions, and the City's twenty-two charter amendment propositions, which could lead to increased voter fatigue. Additionally, as it is a Presidential election, voter turnout would be greater, which could result in long lines at the polls.

Councilmember Ashley Graves inquired whether a decision needed to be made at this City Council meeting. City Manager Reynolds and City Secretary Ham stated that City Council was not required to make the decision at this moment, but the resulting decision did affect the City Secretary's Office in moving forward with certain actions needing to be completed in the coming week. City Secretary Ham indicated urgency to the decision, as ballots would need to be printed in the following week if the City decided to retain the May 2nd election day.

Consider and take action on an ordinance authorizing the City of Nassau Bay to postpone the May 2, 2020 election date, pursuant to Section 418.016 of the Texas Government Code, whereas Governor Greg Abbot has issued a proclamation suspending certain provisions of the Texas Election Code and 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 said ordinance containing other provisions related to said election, and wherein the City of Nassau Bay desires to exercise this authority to do so

Overall, Councilmembers expressed their concerns with moving the City's General Election to November, but with the COVID-19 pandemic, understood it was the safest choice for Nassau Bay voters. City Council, with Mayor Pro Tem Don Matter and Councilmember Matt Prior present remotely, unanimously agreed to postpone the election to November 3rd, with the caveat that City staff research any opportunities to host the election prior to November 3rd.

The caption of the ordinance reads as follows (first and only reading):

AN ORDINANCE POSTPONING THE ELECTION ORDERED IN ORDINANCE O2020-792, PRESERVING CANDIDATE FILINGS, AND REPEALING CONFLICTING ORDINANCES, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

(Said Ordinance is of record in Ordinance Book No. 13 of the City of Nassau Bay, Texas, being Ordinance No. O2020-798.)

It was moved by Councilmember Bryce Klug, seconded by Councilmember Bob Warters, to approve the first reading of an ordinance authorizing the City of Nassau Bay to postpone the May 2, 2020 election date to the next uniform election date occurring on November 3, 2020, with the caveat of holding a Special City Council meeting to vote on an earlier election date if the opportunity was presented as a legal option for Nassau Bay.

Mayor Denman took a roll call vote for the approval of the postponement of the May 2, 2020 General & Special Election.

Councilmember Warters – Approve
Councilmember Klug – Approve
Councilmember Mahon – Approve
Councilmember Graves – Approve
Mayor Denman – Approve

It was noted, although not physically present for the purposes of the official record of vote (and their votes would not be officially counted), Mayor Pro Tem Don Matter and Councilmember Matt Prior both provided approval of the ordinance.

Councilmember Prior – Approve
Mayor Pro Tem Matter – Approve

Motion passed 5 – 0.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:32 p.m.

Minutes approved as submitted and/or amended this 11th day of May, A.D. 2020.



ATTEST

Sandra V. Ham
City Secretary

CITY OF NASSAU BAY, TEXAS

Mark A. Denman
Mayor