



Wylie City Council

Minutes **Emergency Special Called Meeting** **March 27, 2020 – 12:00 p.m.** **Wylie Municipal Complex – Council Chambers** **300 Country Club Road, Bldg. 100** **Wylie, TX 75098**

CALL TO ORDER

Mayor Eric Hogue called the emergency special called meeting to order at 12:04 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Matthew Porter, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman David Dahl.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant Police Chief Tommy Walters; Public Information Officer Craig Kelly; City Attorney's (via phone) Richard Abernathy and Ryan Pittman; and City Secretary Stephanie Storm.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Hogue gave the invocation and Mayor *pro tem* Forrester led the Pledge of Allegiance.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address Council.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, Ordinance No. 2020-25, amending Ordinance No. 2020-24, which continued and extended the Mayor's Amended Declaration of Local Disaster for Public Health Emergency due to the novel Coronavirus (COVID-19); Modifying Section 8 (Enforcement Clause). (S. Storm, City Secretary)**

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve the Consent Agenda as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- 1. Consider, and act upon, Resolution No. 2020-19(R) Postponing to the November 3, 2020 Uniform Election Date the General and Special Elections Scheduled to be held on May 2, 2020, for the purpose of electing persons to the Offices of Mayor and Councilmembers for Places 5 And 6 and the remaining term for Place 2 in response to the COVID-19 Pandemic and Public Health Emergency; Designating Polling Places; Authorizing Execution Of Joint Election Contract for the November 3, 2020 Election; and take all other appropriate action. (C. Holsted, City Manager and S. Storm, City Secretary)**

Citizen Comments

Justin Dumlao and Melissa Kenfield submitted citizen comment forms that Mayor Hogue read aloud requesting Council reschedule the general and special elections to November to protect voters' and election workers' health.

Staff Comments

City Manager Holsted stated the City reached out to the Secretary of State for clarification regarding the elections, and they responded that if our general election had any opposed at-large races, then the City cannot cancel any part of the general election, and the unopposed candidates for that general election will still need to remain on the ballot and will have to receive at least one vote to be elected to the office. If the City is postponing the election until November (which they strongly recommend that the City do), then the City must wait until after the November election has been canvassed to swear in those officers, including the unopposed candidates. If the City postpones the election until November, then the officers that currently hold those positions will continue to serve in those positions until the new officers are sworn in after the November election.

City Secretary Storm shared information regarding other cities and how they were handling their May elections.

Council Comments

Councilwoman Arrington stated she believed the best interest of the City is that the current council stay in place and would like to see the elections moved to November. Forrester stated that rescheduling the special election, which has a 120-day requirement, would be a violation of the state Constitution and would therefore not be permissible or acceptable. Forrester stated Governor Abbott's order cannot override the Constitution and a change that would violate Article 11 of the Constitution would render the City into the purview of the Supreme Court of Texas; therefore, he cannot support moving the special election to November. Forrester stated with the support of the County election official the election can be held safely. Porter reviewed information from a discussion with the Collin County elections official regarding election judges, ballots and supplies for ballots by mail, sanitizing supplies, and information on an election machine technician.

Staff Comments

Holsted stated there is a long list of items that would need to be figured out in order to hold a May election, and the City does not know what changes may occur between now and May. Storm reviewed important dates and deadlines regarding holding a May election.

Council Comments

Forrester stated Collin and Dallas Counties and City of Wylie Orders end four weeks prior to Election Day and asked Holsted if he sees the Orders being extended beyond the election period. Hogue responded it depends on what the virus is going to do; it is unknown. Holsted replied the positives are increasing and he was unsure on how far into the future the Orders would be extended. Forrester stated we can offer as much

personal protection that we can offer and it is important to protect the citizens; however, this is a Constitutional requirement. Porter stated at this point, with the data and limited knowledge, and with the requirements of the state Constitution, the choice should always be to uphold the Constitution if at all possible. Porter suggested preparing for the worst-case scenario of holding it and hope that we get to a position where guidelines and recommendations are changed before the election, and that it is critical to reach out to the citizens and let them know that anyone who is sick or is 65 years of age can still request a ballot by mail and vote from their car.

Council Action

A motion was made by Mayor *pro tem* Forrester and seconded by Councilman Porter to deny Resolution No. 2020-19(R) Postponing to the November 3, 2020 Uniform Election Date the General and Special Elections Scheduled to be held on May 2, 2020, for the purpose of electing persons to the Offices of Mayor and Councilmembers for Places 5 And 6 and the remaining term for Place 2 in response to the Covid-19 Pandemic and Public Health Emergency; Designating Polling Places; Authorizing Execution of Joint Election Contract for the November 3, 2020 Election; and take all other appropriate action. A vote was taken and the motion passed 4-3 with Mayor Hogue, Councilman Dahl, and Councilwoman Arrington voting against.

READING OF THE ORDINANCE

City Secretary Storm read the caption to Ordinance No. 2020-25 into the official record.

ADJOURNMENT

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to adjourn the meeting at 12:39 p.m. A vote was taken and motion passed 7-0.

ATTEST:

Stephanie Storm
Stephanie Storm, City Secretary



Eric Hogue
Eric Hogue, Mayor