



**CITY OF LA MARQUE
SPECIAL CITY COUNCIL
MINUTES
of
May 11, 2021**

Minutes of Special Meeting of City Council via telephone/video conference hosted through Zoom as provided in the attached notice on Tuesday, May 11, 2021, at 6:00 p.m. via teleconference (ZOOM), with the following members present:

(1) CALL MEETING TO ORDER

Mayor Bell called the Special Meeting to order at 6:01 p.m.

(2) ROLL CALL

Keith Bell	Mayor
Joe Compian	Mayor-Pro-Tem District B
Robert Michetich	Councilmember District C
Casey Mc Auliffe	Councilmember District D

OTHER STAFF

Charles "Tink" Jackson	City Manager
Derra Purnell	City Attorney
Robin Eldridge	City Clerk

(3) CITIZENS PARTICIPATION

There was none.

(4) NEW BUSINESS

- a. Discussion/possible action regarding adopting Resolution No. **R-2021-0010**, canvassing the election returns and declaring the results of the May 1, 2021, General Election, pursuant to the Election Code

** Mayor Pro-Tem Compian made a motion to adopt Resolution No. R-2021-0010.
** Councilmember Mc Auliffe seconded. **MOTION CARRIED UNANIMOUSLY**

Mayor K. Bell raised a question about some language referencing a section on the agenda form where it references the idea of a potential run-off to be between a third candidate if one of the candidates with the first and second highest number of votes were to withdraw. "This was not a part of the November language when

we called the Run-off between Mr. Compian and Ms. Divine.” He said he had never heard of this in his years of being on Council and referred to the previous Run-off election and asked if there was a certain law that referenced this.

The City Clerk referred his question to the City Attorney.

Ms. Purnell, the City Attorney responded by stating that a ruling was received back from the Secretary of State after the agenda publication, and it sounded like the language given may be a too conservative ruling. “The important part here, is that we did have to deal with this in the previous run off between Mr. Compian and Ms. Divine, and we wanted to make sure it was clear that candidates of course, and there was no legal impact to this other than information in the agenda packet, is that the withdrawal date is May 14th. So, if anything was going to happen, I wanted to make sure that this was the clear withdrawal date. ”

Mayor asked if she would be opposed to idea that the record should reflect everything that she just said, with the exception of the idea that a third candidate can rise up into the run-off. He also said that he did not necessarily agree with that based on what he had learned in preparation for the meeting.

Ms. Purnell said that she didn’t necessarily agree with it either, that it was just provided to be informational, “I would definitely say that it is open for interpretation and I have not at this point gotten to do sufficient research to be positive enough to provide Council with a legal opinion on that matter. I do want to do more research, we have not been faced with that situation, so it is only theoretical. While the Secretary of State provided us with a potential interpretation of that, that is not actually, well it was just another attorney providing an interpretation. I want to make sure where their opinion turns on, and hopefully they would line up once I have all the information and they have all of the information. You can let the record reflect that it is not absolutely definitive that the third candidate would be moved up in a run-off off election.”

City Manager added that this was not in the resolution, but only in the backup provided on the agenda form, and that sometimes information is put on agenda forms that is not reflected in the resolution themselves. “That whole concept is not reflected in the resolution and would have to be dealt with if the situation arose.”

Mayor said he appreciated that and added that these agenda items were also read by the public and that he did not want the public to get confused.

Mayor Pro-Tem Compian asked for clarity purposes and felt it accurate for way of backup if we just say, “A run-off election will be held between the run-off candidates provided neither candidate withdraws before 5:00 p.m. 14, 2021. In the event a candidate withdraws before 5:00 p.m. May 14, 2021, the run-off election would be held including the remaining candidate and the candidate with

the next highest number of votes in the district.” He said that is how he interpreted it.

Ms. Purnell added that it was a conservative reading, “Even if that is an incorrect legal interpretation and if the Secretary of State and the Court would not take that legal interpretation, if a candidate wanted to concede, and they did it after May 14, there would be no question that the remaining candidate would be unopposed and elected. If a candidate withdrew before May 14, there is at least at this point some question that, the third candidate might have to be part of a run-off. So, to avoid even the question, I put in the May 14th date and the conservative interpretation of that Statute.”

Further discussion included that the reason for including the language was that since there were more than two candidates running for the same district like in the last November election, and the question had come up internally, there was a potential of this situation to come up again.

Ms. Purnell said that she would have to talk through this with the Secretary of State and would like to do a little more research and would provide a memo and theoretical situation if needed.

- b. Discussion/possible action regarding adopting Resolution No. R-2021-0011, ordering and establishing the procedures for the Run-off Election for Councilmember, District “A”, to be held on Saturday, June 19, 2021, in La Marque, Texas and providing for related matters - Mayor K. Bell

** Councilmember Mc Auliffe made a motion to adopt Resolution No. R-2021-0011.
** Mayor Pro-Tem Compian seconded. MOTION CARRIED UNANIMOUSLY

(5) REQUESTS AND ANNOUNCEMENTS

Mayor Bell reminded all of the Swearing in Ceremony the following night, on May 12, 2021, at 7:00 p.m. at the La Marque High School for Mayor, Councilmember B, and Councilmember C. The swearing in of Ms. Mc Auliffe will be once the Run-off is completed, so she can participate during that swearing in process. Reminded all of the Big Crawfish Boil at Highland Bayou the following Saturday and that it is a fundraiser for a great cause in and around the community.

City Manager Jackson thanked all that participated in the Kids Fish, the previous weekend, 230 kids caught about 200 fish and is planning on a bigger and better event in the future. He also thanked all the sponsors involved.

Councilmember Mc Auliffe recognized the child that caught the biggest fish was the City Engineer’s son who caught a four foot “gar”.

(6) ADJOURNMENT

- ** Mayor Pro-Tem Compian made a motion to adjourn the Special Meeting at 6:22 p.m.
- ** Councilmember Mc Auliffe seconded. **SPECIAL MEETING ADJOURNED.**

This unofficial copy of the minutes from the above meeting are posted for convenience only. Executed or certified copies of the minutes can be requested by contacting the City Clerk.
