



CITY COUNCIL SPECIAL AGENDA

Sunday, August 02, 2020

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Special Session on Sunday, August 02, 2020, at 8:00 pm at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no Talking during the meetings. Take all conversations outside so that others can hear.

Note from the Office of the Attorney General – An Order Temporarily Suspending Certain Open Meetings Act (OMA) Requirements Due to COVID-19
Thank you!

Open Session

1. Call to Order

Thomason

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

5. **Public Comment – If you have public comments, please call 432-264-2411.**

Thomason

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

- 6.

New Business

7. Emergency Reading of an Ordinance Calling for a Special Election to be Held on November 3, 2020, for the Purpose of Voting for or Against the Recall of Councilmember Jim DePauw, Representing District 6; Designating a Polling Place; Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; Providing for Severability; and Declaring an Emergency 3-5 Moore

9. **Adjourn** Thomason

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if a closed meeting is not permitted under this chapter and the member knowingly:

(1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;

(2) closes or aids in closing the meeting to the public, if it is a regular meeting; or

(3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and Posted on Thursday, July 30, 2020 at 5:30 p.m. in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



Tami L. Davis, Assistant City Secretary

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT TAMI DAVIS AT 264-2513 or tdavis@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF VOTING FOR OR AGAINST THE RECALL OF COUNCILMEMBER JIM DEPAUW, REPRESENTING DISTRICT 6; DESIGNATING A POLLING PLACE; AUTHORIZING THE MAYOR TO EXECUTE NOTICE AND HAVE THE NOTICE POSTED FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF SAID ELECTION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, an affidavit signed by a qualified voter in District 6 including the name of the officer sought to be removed and a brief description of the charge of dereliction of the officer was certified by the City Secretary on July 1, 2020 and a petition for recall was issued;

WHEREAS, the City Secretary received the completed petition on July 23, 2020; and

WHEREAS, the City Secretary verified that 111 of 135 signatures were valid and immediately notified the City Councilmember, District 6 on July 28, 2020; and

WHEREAS, the City Councilmember, District 6 declined to resign within five (5) days of the notice for recall; and

WHEREAS, the City Council has a ministerial duty arising from both state law and the City Charter to thereafter call a recall election;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. That a special election shall be held on the November 3, 2020, for the purpose of voting for or against the recall of Councilmember Jim DePauw, representing District 6, said election being held pursuant to Article XI, of the Big Spring City Charter.

SECTION 2. Said election shall be held in accordance with the constitution and laws of the State of Texas and the Charter of the City of Big Spring, Texas, and the manner of holding said election shall be governed by the laws of the state regulating special elections and this ordinance.

SECTION 3. Only voters who are qualified and registered to vote in District 6 may vote in the election.

SECTION 4. The ballot at such recall election shall conform to the following requirements, with respect to each person whose removal is sought; the question shall be submitted: "Shall Jim DePauw be removed from the office of City Councilmember?" Immediately following said question there shall be printed on the ballots in separate lines, in the order here set out, the

words: “For the recall of (Jim DePauw.)” “Against the recall of (Jim DePauw.)”

SECTION 5. Should a majority of the votes cast at such recall election be for the recall of any officer named on the ballot, he shall be deemed removed from office. If the majority of the votes be against the removal of any officer, he shall continue in office.

SECTION 6. Voting by personal appearance during early voting and on election day shall be by DRE (Direct Recording Electronic) System and by official paper ballot for early voting by mail and for provisional ballots. The following dates will be followed for the November 3, 2020 Uniform Election Date:

- Voter registration deadline – Monday, October 5, 2020
- Deadline to submit an application for ballot by mail – October 23, 2020
- Early voting dates – Monday, October 19, 2020 through Friday, October 30, 2020
- Last day of Early Voting by Personal Appearance – Friday, October 30, 2020
- Last day to receive ballot by mail – Tuesday, November 3, 2020 at 7:00 PM if carrier envelope is **NOT** postmarked, **OR** Wednesday, November 4, 2020 (next business day after the election on Election Day (subject to overseas or military voter deadlines)
- Election Day – Tuesday, November 3, 2020

Early voting by personal appearance will be conducted at Howard County Courthouse located at 300 S. Main. Early voting will be held on weekdays beginning Monday, October 19, 2020 and ending Friday, October 30, 2020. The early voting polling place shall be open to the public from 7:00 a.m. to 7:00 p.m. on Thursday, October 29, 2020 and Friday, October 30, 2020 and from 8:00 a.m. to 5:00 p.m. on all other days.

SECTION 7. The polling places on Election Day will be at the following voting center locations:

Dorothy Garrett Coliseum
1001 Birdwell Lane

Ryan Hall
605 North Main

First Baptist Church
705 W. FM 700

Coahoma Community Center
306 North Ave.
Coahoma, TX

The polling places shall be open to the public from 7:00 a.m. to 7:00 p.m.

SECTION 8. No later than August 17, 2020, the City Council will make any necessary revisions of this order of election. Such revisions include, but are not limited to, change the date of the election; change the location of the main early voting location; changes to the early voting dates and hours; including weekend early voting; any changes to the identity of the early voting clerk and their contact information or any changes to branch early voting locations.

SECTION 9. Mayor Shannon D. Thomason is hereby authorized to execute and have posted notice of said election in accordance with the law.

SECTION 10. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, said unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

SECTION 11. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 12. The City Council finds that the passage of this ordinance constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City ordinances must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended, and this ordinance shall be effective upon its publication as required by law.

PASSED AND APPROVED on emergency reading at a special meeting of the City Council on the 2nd day of August, 2020, with all members present voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary