

MINUTES OF SPECIAL CALLED MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:

Tuesday, October 17, 2017

TIME:

12:00 p.m.

PLACE:

San Juan Memorial Library
Multipurpose Meeting Room
1010 S. Standard
San Juan, Texas 78589

MEMBERS PRESENT:

Mario Garza, Mayor
Raudel Maldonado, Commissioner
Ernesto Guajardo, Commissioner
Pete Garcia, Commissioner
Rick Palacios, City Attorney

MEMBERS ABSENT:

Jesus Ramirez, Mayor Pro-Tempore
Adelaida Cordero, Director of Human Resources
Rene Jaime, Purchasing/Risk Management
Tirso Garza, Chief of Fire
Juan Gonzalez, Chief of Police
Oscar Cuellar, San Juan EDC Director
Leroy Gonzales, Interim Finance Director
Patrick Willingham, Director of Parks and Recreation
Xavier Cervantes, Director of Planning
Carmen Gonzalez, Director of Sanitation
David Salinas, Director of Utilities
Mary Enriquez, Court Administrator
Robert Rangel, Director of Information Technology

STAFF PRESENT:

Benjamin Arjona, City Manager
Diana Cavazos, City Secretary

ORDER OF BUSINESS

I. CALL MEETING TO ORDER

Mayor Mario Garza called meeting to order at 12:02 p.m.

II. INVOCATION

Commissioner Raudel Maldonado led the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Mario Garza led the Pledge of Allegiance.

IV. NO PUBLIC COMMENTS

V. CONTRACTUAL/RESOLUTIONS

- a. Consider Resolution issuing Order and Notice of City Special Election, Appointing and Determining Polling Locations

DISCUSSION: Benjamin Arjona, City Manager stated that the polling locations are Fire Station #2, the one on the Northside and Carman Elementary for Election Day. Before you, you have the Resolution. If you have any questions on that, we can go through it.

Commissioner Garcia asked if we were going to be in the 120 days and Rick Palacios, City Attorney responded that we were. Commissioner Garcia then asked if we would be in violation and Mr. Palacios stated we would be in violation if we didn't do the election at all. The Election Code states that we can't have an election 30 days before or after a state mandated Election, which is November 7th and we have Thanksgiving, Christmas and New Year holidays. After discussion with the City Manager if you put it anywhere around those dates you will have the Early Voting 10-12 day period. The earliest date to

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avoid having Early Voting during the holidays would be January 20th. The Attorney General wants you to have it 120 days, within your circumstances.

Commissioner Maldonado asked if we would not get in trouble and if there would be a fine. Mr. Palacios, City Attorney responded there would be no fine and the only way that would happen is if we didn't have an election at all. The Attorney General recommends having an election within 120 days. We are having the election; we are just having it beyond our time frame given the circumstances that we are in. We still have to comply with all the rules of the Election Code, the rules of the Local Government Code and all the Notice requirements.

Commissioner Garcia then stated that he just wanted to make sure that they would not come back and say that we should of had the Election December 9th. For us to say that we are having it December 9th because of the Noche de Paz event, well I don't think the Noche de Paz is more important than an Election. I just want to make sure we are clear and not jeopardizing anything because we didn't have it on the 9th or the 13th, assuring we are in compliance and not going to be in violation.

Mr. Rick Palacios, City Attorney stated that the compliance part is that we are having the Election. If we have it before we will have people that are out on vacation during the holidays. We would have a major issue if we didn't have the Election at all.

Commissioner Garcia stated we need to have the Election as soon as possible, but we also need to comply with all the Notices. We couldn't have one because of the 60 day window saying we couldn't. Can we push it and have it a week before, yes we can. Does the Board want for Early Voting to happen through New Year's when people are out on vacation?

Commissioner Maldonado responded to be on the safe side, Commissioner Garcia you do have a point. Then Commissioner Garcia responded that he just wanted to make sure because there is talk that McAllen is having their Election on the 20th and they already posted faster than San Juan. Why is San Juan dragging it? I just want people to know that there are certain things that happened and we have to follow those 60 days. It's not because we are trying to stall or anything political. It's something that just the way it fell and we are doing the best that we can.

Mr. Palacios, City Attorney stated that we are helping the City Secretary to do the best we can and we have been more involved in the election than we have been in any other municipality to assure that we meet all the deadlines. Could we have it a little sooner and still comply with all the deadlines? Yes, but we would cause the Early Voting to happen through vacation times. That is truly up to this Board if you all want to do that.

Mayor Garza stated he thought the 20th was a good day. He asked Mr. Palacios, City Attorney if we moved forward with this could the candidates pick up their packets. Mr. Palacios responded that last week the Notice had been prepared but thought it would be safer to call a Special Called Meeting to designate the date of the Election. I believe the Notice will be posted today and our City Secretary has the application packets ready.

Diana Cavazos, City Secretary stated that they had talked about candidates picking up packets tomorrow because the bulletin needs to be posted first. However, they can pick up the packets today but they cannot file until tomorrow.

Rick Palacios, City Attorney stated we even talked about if there is a run off. We don't even know how many candidates are going to run. We would have to have a run off within 45 days from the date that we canvass. Canvass has to be 3-15 days after the Election. Giving you a little window of what could happen is that the Election would be by majority. I know that sometimes our Charters in the past have been written that it is plurality, but the State Constitution has mandated that if your terms exceed more than two years, you have to be elected by a majority of the City. If there are more than two candidates and they don't receive the 50% plus one vote then there would have to be a run off.

Motion was made by Commissioner Raudel Maldonado to approve and seconded by Commissioner Pete Garcia. Motion Passed.(4-0)

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VI. ADJOURNMENT

Commission Raudel Maldonado motioned to adjourn meeting at 12:11pm and seconded by Commissioner Pete Garcia. Motion passed.

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Mario Garza, Mayor

ATTEST:



Diana H. Cavazos, City Secretary