

ALLEN OWEN  
Mayor

JERRY WYATT  
Councilmember at Large Position 1

CHRIS PRESTON  
Councilmember at Large Position 2



YOLANDA FORD  
Councilmember District A

DON SMITH  
Councilmember District B

ANTHONY G. MAROULIS  
Councilmember District C

FLOYD EMERY  
Mayor Pro Tem  
Councilmember District D

## CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, October 3, 2016, at 6:15 p.m.** at: **City Hall, Council Conference Room, 2nd Floor, behind the Council Chamber**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

**1. CALL TO ORDER**

**2. DISCUSSION/POSSIBLE ACTION**

(a) Consider and discuss moving the city's election date from May to November.

**3. CLOSED EXECUTIVE SESSION**

*The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:*

**Texas Government Code, Section 551.071** – Consultation with attorney to seek or receive legal advice on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: multiple contracts with the Texas Department of Transportation.

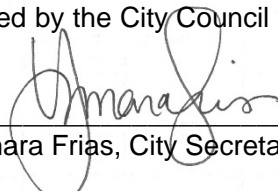
**4. RECONVENE** into Special Session and Consider Action, if any, on items discussed in Executive Session.

**5. ADJOURN**

**In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.**

### CERTIFICATION

I certify that a copy of the October 3, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on September 30, 2016, at 4:00 p.m.

  
\_\_\_\_\_  
Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Signed: \_\_\_\_\_ Title: \_\_\_\_\_



**CITY COUNCIL  
AGENDA ITEM COVER MEMO**

**October 3, 2016**

**To:** Mayor and City Council  
**Agenda Item:** 2(a) City Election Date  
**Submitted by:** E. Joyce Iyamu, City Attorney

**SYNOPSIS**

Councilmember Ford requested that the City Council of the City of Missouri City consider moving the election date from May to November.

**STRATEGIC PLAN 2019 GOALS ADDRESSED**

- Create a great place to live

**BACKGROUND**

Section 6.01 of the City Charter provides that elections for the mayor and the at-large city councilmembers must be held in May of each even-numbered year and elections for district councilmembers must be held in May of each odd-numbered year. The City of Missouri City Charter Review Commission (the "Commission") received a request to consider moving the City of Missouri City (the "City") election date from May to November. The Commission received information on the request at its September 12, 2016 meeting, requested additional information, and will consider making a recommendation on October 10, 2016.

However, Texas Election Code Section 41.0052 allows a home-rule municipality to change its election date from May to November by resolution no later than December 31, 2016. Such resolution would require the City Council to adjust the terms of office for councilmembers to conform to the new election date. Pursuant to state law, a resolution changing the month in which an election must be held from May to November supersedes a city charter provision that requires a general election date other than a November general election date.

An opinion from the Office of the Attorney General of Texas states that the deadline established by a previous version of Texas Election Code Section 41.0052 was designed to impose a deadline, after which, changes to a political subdivision's general election date may not be made regardless of whether voters elect to make the change in a subsequent charter election. As such, if there is a desire to move the City's general election date from May to November, such change must be made by December 31, 2016. If City Council elects to make such change, the Charter Review Commission will be informed and a staff recommendation will be made to amend the City Charter for consistency with City Council's resolution.

**BUDGET ANALYSIS**

Elections Administrator John Oldham does not believe that there would be a cost associated with moving the City's election date from May to November.

**Purchasing Review:** N/A  
**Financial/Budget Review:** N/A

**SUPPORTING MATERIALS**

- 1. Survey of other cities

**STAFF'S RECOMMENDATION**

No recommendation. This subject is a matter of City Council discretion.

## **CERTAIN BENCHMARK CITIES**

City	Elections
Allen	May
Baytown	Defaults to state uniform election date (November)
Bellaire	November
Bryan	A uniform election date set out in state law
Cedar Park	"Shall be in accordance with state law."
Conroe	May
Friendswood	May
Grapevine	May
Harlingen	May
Houston	November
Katy	May
La Porte	A uniform election date as determined by state law and as ordered by city council
League City	A uniform election date provided by state law
New Braunfels	May
Pasadena	May
Pearland	A time established by state law
Rosenberg	May
Rowlett	A uniform election date
San Marcos	November
Stafford	In accordance with state law
Sugarland	May
The Woodlands	No charter.
Webster	May
West University Place	May