



Montgomery County Emergency Services District No. 10

DATE: March 30, 2020

THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY EMERGENCY SERVICES DISTRICT NO. 10 (the "District") met in a special session, open to the public, at the Magnolia Volunteer Fire Department, Station 181, 18215 Buddy Riley Blvd, Magnolia Texas 77354 on Monday, March 30, 2020 at 2:00 p.m. inside the boundaries of the District.

AGENDA ITEM:

1. Call Meeting to order

At 2:15 p.m., Commissioner Bob Buschardt called to order the Special Meeting of the Montgomery County Emergency Services District #10 (the "District") and the roll was called of the duly appointed officer's to-wit:

2. Roll Call, Pledge of Allegiance, Pledge of Texas and Invocation.

| COMMISSIONER | BOARD POSITION | |
|---------------------|-------------------------------|---------|
| Robert Buschardt | President | Present |
| Scot Wall | Vice President | Absent |
| Johnnie Bryant | Secretary | Absent |
| Tate Robinson | Treasurer | Present |
| Tommy Gage | Assistant Secretary/Treasurer | Present |

3 of 5 Commissioners were present thus constituting a quorum.

Also present were Magnolia Volunteer Fire Department ("MVFD" or "the Department") Fire Chief Gary Vincent, and Office Manager Rhonda Reinholz.

Commissioner Buschardt led the Board in the Pledge of Allegiance to the U.S. Flag.

Commissioner Robinson led the Pledge to the Texas Flag.

The Invocation was given by Commissioner Gage.

3. To receive public comment.

There was no public comment.

4. Review and take action on matters relating to calling an election to be held on May 2, 2020:

- a. To Consider and take action on such other Orders, Resolutions and related matters as required or appropriate to hold the District Election on May 2, 2020.
- b. To review and take action to consider postponing the May 2, 2020 election to November 3, 2020 under the authority of Governor Abbott's proclamation of March 18, 2020.

The Board consulted with the District's legal counsel via phone.

Counsel reviewed the applicable statutes, including references to the Texas Elections Code, Governor Abbott's Proclamation of March 18th, Secretary of State's Advisory of March 18th, and an email from the Secretary of State's Legal Director of the Elections Division of March 24th. Mr. Peeler advised the Board that the Texas Election Code does not allow an entity to cancel a proposition election order once it has been called. He said that while neither the Secretary of State nor the County have the authority to force the District to move the May Election to November, failing to do so will allow for any voter or potential voter to challenge the results of the May Election in court with a high probability of having the election results overturned. Therefore, Counsel made the recommendation for the District to exercise their authority under the Governor's proclamation and move the sales tax proposition election to the November 2020 uniform election date.

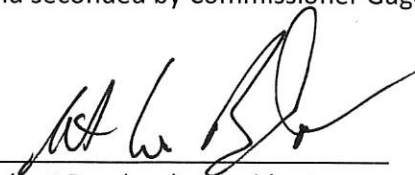
Counsel also reviewed with the Board the concerns expressed by the County Election Administrator regarding the probability of an election contest, availability of personnel to staff polling locations and availability of key people involved in programming the elections due to the County Judge's Order, on top of the safety of the voters.

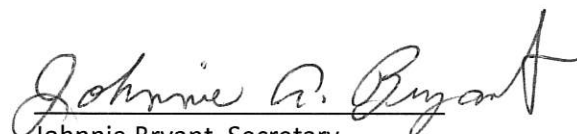
Counsel advised the Board that their office is going to ask the Governor on behalf of their ESD Clients, to suspend the provision in the tax code which currently imposes a waiting period of one (1) year between sales tax elections. He hopes that the Governor will be willing to suspend that provision so that irrespective of the November election results, ESD Clients who had scheduled sales tax proposition elections in May but moved them to November due to the COVID-19 disaster could then hold another in May of 2021 rather than being forced to wait until at least November 2021.

Upon discussion of this topic, a motion was duly made by Commissioner Robinson and seconded by Commissioner Buschardt, whereto the board unanimously approved to postpone the May 2, 2020 election to the next uniform election date occurring November 3, 2020. The District's legal counsel will immediately notify the County Election Administrator. Commissioner Buschardt will sign the order and the postponement order will need to be posted on the District's website.

5. ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Commissioner Robinson and seconded by Commissioner Gage, the Board unanimously approved adjourning the meeting at 3:04 p.m.


Robert Buschardt, President


Johnnie Bryant, Secretary

