

**CITY OF LAREDO
CITY COUNCIL MEETING
M2018-S-12
CITY COUNCIL CHAMBERS 1110
HOUSTON STREET
LAREDO, TEXAS 78040
September 17, 2018
5:30 P.M.**

SUPPLEMENTAL MINUTES

I. MOTIONS

1. Consideration for approval of change order no. 1, an increase of \$80,000.00 to the construction contract with Summit Building and Design, Laredo, Texas, for the Santo Nino Community Center Phase II (Re-Bid). This change order is to add back into the scope of work items which had been value-engineered since the onset. By returning these items to the scope under the control of the general contractor, the work can be expedited to remain on schedule for project completion. Current construction contract amount with this change order is \$1,057,350.00. Completion date for the project is scheduled for November 2018. Funding is available in the 2016 C.O. and 2017 C.O.

Motion to approve.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

Cm. San Miguel was not present.

II. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Council Member Nelly Vielma

1. Discussion with possible action to implement an election cycle spending freeze on Priority District Funds from Council Members and/or Mayor who are running for election or re-election from beginning of fiscal budget, October 1st until the elected official takes office or is re-elected and any matters incident thereto. (Co-Sponsored by Council Member George Altgelt)

Motion to table until a special Council meeting.

Moved: Cm. Vielma

Second: Cm. Torres

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. San Miguel were not present.

2. Discussion with possible action as part of our contract to require Webb County Elections Office to maintain an accessible registry of requestor name and number of applications to vote by mail provided per person and any matters incident thereto.

(Co-Sponsored by Council Member George Altgelt)

Cm. Torres noted that public discussion about this item has been using the phrase “mailed ballots,” but the agenda item itself refers to applications to vote by mail.

Jose Salvador Tellez, Interim Webb County Elections Administrator, asked Council to vote against this proposal for several reasons. This public has a lot of misinformation as to how ballots by mail are distributed to voters. There is also a misunderstanding on what the Elections Administration’s role is in the process. He confirmed that there is an investigation currently underway by the Attorney General’s Office into the issue of harvesting mail-in ballots by certain groups in the community. That investigation has nothing to do with the Elections Administration and is not a reflection of the employees of the office involved in any type of corruption or impropriety. The Attorney General’s Office has found a pattern in multiple Texas counties where an apparent business targets senior citizens and ask if the business can request a mail-in ballot for the individual.

Mr. Tellez explained that when someone comes to the Webb County Elections Administration and asks for a mail-in ballot, staff gives that individual an application. During the primary, he noted that it was incorrectly reported that staff gave those requestors actual ballots. He clarified that ballots are not given out by the Elections Administration; they are only mailed out if the office receives a properly-executed application for a mail-in ballot. He reported that during the primary, some individuals were mailed their ballots who did not request one, and those individuals returned the ballot to the Elections Administration with the request to cancel that ballot so that they could vote in-person during early voting or election day. When this occurs, the individual can sign an affidavit stating that they did not request the ballot and does not know who requested it on their behalf. If the Elections Administration receives two affidavits of that nature, he can refer the issue to the Attorney General’s Office or the District Attorney’s Office. Mr. Tellez clarified that he does not have any investigative authority as the Administrator of the Elections office, and he cannot direct anyone to go directly to the AG or DA. He encouraged Council to use correct information when making assumptions or allegations into the efficiency of his role as the Elections Administrator or his staff. He reemphasized that he is not under investigation as part of the Attorney General’s investigation. Mr. Tellez clarified that the Constitution of the United States did not mean that *all* people are equal; the document meant that only white men were equal and other classes of people represented a fraction of a white man in their voting power. The 1964 Civil Rights Act and the 1965 Voting Rights Act are what actually made all American citizens equal. In order to enfranchise citizens to vote, state law dictates the conditions and allowances for individuals, not the County Elections Administration.

Mr. Tellez informed Council that everything a voter needs to access an application for a mail-in ballot is online. A voter can print the application from online or access it in-person at the Elections Administration Office, the Department of Public Safety during driver’s license renewals, and through other non-profit groups. He reported that the Elections Office keeps track of every application for a mail-in ballot that is received as well as every ballot that is mailed out. Through their recordkeeping, he found that some mail-in ballots were requested by the Democratic Party and the Governor’s Office, among possible others. If an individual requests 10 applications for mail-in ballots, Mr. Tellez cannot limit the number of applications to one because

he may be disenfranchising someone from being able to vote.

Cm. Torres added that Mr. Tellez cannot force an individual to identify himself or herself and must provide them with the number of copies they are requesting. He informed Council that he will not support this item and voiced his opinion that the Elections Administration has been running smoother than any other time in his memory through the direction of Mr. Tellez. The problem is not local but is at the state level; Cm. Torres suggested adding this issue to the City's legislative agenda. He acknowledged Cm. Vielma's attempt to find some accountability, but he noted that this is not the way to achieve that.

Cm. Balli voiced his opinion that this item was well-intended. While the item sponsors have their hearts in the right place, it will disenfranchise voters if passed. Citizens should not be questioned or burdened with providing identification when making these requests. People may be picking up applications for themselves or a friend or relative as a favor and should not be prevented from doing so. Many people, including himself, serve as deputy registrars to assist citizens with registering to vote and getting their ballots.

Cm. Vielma clarified that this item is not a reflection on the Elections Administration Office, which she explained to Mr. Tellez personally earlier in the day. She explained that she is attempting to be proactive, since the City is still under investigation with the FBI and the Attorney General's Office. As a former prosecutor, she noted that by retracing one's steps, the City and the County can determine what is going wrong in an effort to prevent it from happening again. She noted that there is no requirement to provide identification for requesting applications for mail-in ballots, but when the same individual is coming in multiple times asking for applications in bulk, that is cause for concern that the system is being defrauded. Applications can be provided one at a time rather than in bulk, since the applications are also available online and can be printed in bulk.

Cm. Altgelt noted that his intention in cosponsoring this item was to assist the Attorney General's Office in its investigation and to dissuade people from taking advantage of the mail-in ballot application process. He noted that he saw no harm in showing one's identification to get a mail-in ballot application, since voters have to show their identification in order to vote at the polls.

Mr. Tellez noted that in theory, he agrees with Council's sentiments. However, he reminded Council of a Municipal Court Judge candidate who promised that, if elected, he would pave every street in Laredo. Unfortunately, the Municipal Court Judge does not have that authority and cannot raise revenue to pave streets. This situation is similar in that Council's attempts to change the procedure of the Elections Administration is not within their realm or purview. This a state and federal government issue, not an opportunity for any Council Member to receive political attention. The issue raised is already being addressed. Mr. Tellez voiced his suspicion that this item is an attempt at "15 minutes of fame" by mentioning his name specifically.

Cm. Altgelt asked if there is anything that the Elections Administrator can do internally that is not preempted by state law to have some means of dissuading the would-be voter fraud participant from drawing multiple applications. Mr. Tellez

assured Council that his office is well-aware of individuals who come in asking for a certain number of mail-in ballot applications. There is already an internal policy that was instituted by prior Administrators that only 10 applications will be given out at a time. These occurrences are monitored. He agreed with the sentiment that people should not seek out multiple applications, but it is allowed by law. He reminded Council that his office is cooperating extensively with the Attorney General's investigation. However, he insisted that Council allow the appropriate authorities do their jobs and to only suggest restrictions that are actually enforceable.

Kristina L. Hale, City Attorney, confirmed that the City already has an executed contract with the Webb County Elections Administration for the upcoming November election. Cm. Torres reminded Council that Mr. Tellez has the option to not contract with the City in future elections, cautioning them from creating a situation in which the County will no longer work with the City.

Mr. Tellez informed Council that when the applicant requests applications for mail-in ballots, they must sign off on their intention with the application, which is a public record.

Cm. Vielma asked that Mr. Tellez amend the Office's internal policy in any way that it can improve to decrease the potential for voter fraud.

Motion to direct the Webb County Elections Administrator to hand out applications one at a time.

Moved: Cm. Vielma
Second: Cm. Altgelt

For: 2 Against: 6 Abstain: 0
 Cm. Vielma Cm. Gonzalez
 Cm. Altgelt Cm. Rodriguez
 Cm. Perez
 Cm. Torres
 Cm. San Miguel
 Cm. Balli

Motion fails.

III. ADJOURNMENT

Motion to adjourn.

Moved: Cm. Torres
Second: Cm. Perez

For: 5 Against: 0 Abstain: 0

Cm. Gonzalez and Cm. San Miguel were not present.