

**RESOLUTION NO. 22-R-135**

**A RESOLUTION BY THE CITY COUNCIL OF SCHERTZ, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF SCHERTZ ON NOVEMBER 8, 2022 AND ORDERING A RUNOFF ELECTION TO BE HELD ON JANUARY 3, 2023 FOR MAYOR AND CITY COUNCIL PLACE 2 AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, on the 5th, day of July 2022 the City Council of the City of Schertz, through adoption of Resolution 22-E-60, ordered a General Election to be held in said City on the 8<sup>th</sup> day of November 2022, in accordance with the provisions of the Charter of said city, for the purpose of electing a Mayor and electing one Councilmember for Place 1 and Place 2;

WHEREAS, that the City Council after having duly examined the Unofficial General Election Returns submitted by Bexar, Comal, and Guadalupe County finds that it is a true and correct tabulation of the election results; that the election held on November 8, 2022 was duly ordered and notice given in accordance with state law; that the election was held in the manner required by law; that only duly qualified resident voters of the City of Schertz voted in the election; and that returns of the election have been made by the proper officers; and

WHEREAS, That the canvass and tabulations of votes cast at the election for Mayor and 2 Members of City Council, held November 8, 2022, disclosed that the following candidate received a majority of votes cast at the election in his/her respective place:

Place 1-Mark Davis 10,017 votes

WHEREAS, that the canvass and tabulations of votes cast at the election discloses that no candidate for Mayor or Place 2 received sufficient votes to be elected to the City Council; and that it is necessary in conformity with the City Charter and the Texas Election Code, as amended, to call a runoff election for the purpose of voting upon candidates to fill the Mayor’s position and Place 2 on the City Council; and

EARLY VOTING & ABSENTEE

ELECTION DAY

	BEXAR	COMAL	GUADALUPE	BEXAR	COMAL	GUADALUPE	TOTAL VOTES CAST
<b>MAYOR</b>							
Ralph Gutierrez	561	115	4043	200	51	1337	6307
Cedric Edwards	489	90	2206	153	30	793	3761
<b>PLACE 2</b>							
Michelle Watson	448	96	2989	163	47	1100	4843
Tiffany M. Gibson	654	74	2539	210	51	896	4424

WHEREAS, In accordance with Section 2.026, Notices of the Joint Run-off Election shall be posted on the bulletin board at the Hal Baldwin Municipal Complex 1400 Schertz Parkway and on the city’s

website, and a like copy shall be published not later than the 15<sup>th</sup> day before Election Day in the newspaper of general circulation.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:**

Section 1. That the City Council of the City of Schertz finds and declares the results of such election as per Exhibit A attached to this resolution.

Section 2. That it is declared and ordered that Mark Davis has been elected Member of City Council, Place 1; and

Section 3. That a runoff election is hereby ordered to be held Tuesday, January 3<sup>rd</sup>, 2023 for the purpose of electing a Mayor and Place 2 Councilmember; and

Section 4. That the terms and conditions of the joint election agreement and contract with Bexar, Comal and Guadalupe Counties, adopted on the 5th day of July 2022, through the adoption of Resolution No. 22-R-60, shall remain in full force and effective for the City of Schertz Runoff election; and

Section 5. That Guadalupe County will oversee the City of Schertz Joint Runoff Election for January 3<sup>rd</sup>, 2023 (Counties: Guadalupe, Bexar and Comal) with a Guadalupe County Joint Election contract and shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code and may employ other personnel necessary for the proper administration of the election; and

Section 6. That election day voting will be 7 a.m. through 7 p.m., and locations of the polling places are designated in Exhibit B attached to this resolution, but which locations may be changed by Guadalupe County, and which changes if any, are hereby made part of this resolution referenced and can be found by visiting the Guadalupe County Elections at <http://www.co.guadalupe.tx.us/elections/index.php>; and visiting the City of Schertz webpage at [www.schertz.com](http://www.schertz.com) or contacting:

Lisa Hayes  
Guadalupe County Elections Administrator  
215 S. Milam, Sequin TX 78155  
830-303-6363

Section 7. That the last day to vote for the January 3<sup>rd</sup>, 2023 City of Schertz Runoff Election is January 3, 2023.

Section 8. That applications for ballots by mail must be received no later than 5:00 p.m., January 3<sup>rd</sup>, 2023 and sent to the following:

Guadalupe County  
Lisa Hayes  
Guadalupe County Elections Administrator  
215 S. Milam, Sequin TX 78155

Section 9. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 10. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 11. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 12. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 13. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 14. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22nd day of November, 2022.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, Interim City Secretary