

RESOLUTION NO. 23-R-55

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CALLING AN ELECTION TO BE HELD ON NOVEMBER 7 , 2023 FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FOR PLACE 3, PLACE 4 AND PLACE 5 FOR A THREE YEAR TERM AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AUTHORIZING CONTRACTS WITH THE COUNTY CLERK OF COMAL COUNTY AND THE ELECTIONS ADMINISTRATORS OF BEXAR AND GUADALUPE COUNTIES TO CONDUCT THIS ELECTION; AUTHORIZING THE ELECTIONS TO BE HELD AS A JOINT ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 9.01(a) of the Home Rule Charter (the “**Charter**”) of the City of Schertz, Texas (the “**City**”), the regular City election shall be held annually on the uniform election date in November, or at such other times as may be authorized or specified by State Law; and

WHEREAS, the terms of the offices of the Councilmembers for Place 3, Place 4 and Place 5 will expire in November 2023 and therefore, the City is required to conduct an election to elect council members for the new term; and

WHEREAS, the City Council hereby finds and determines that holding a joint election on November 7, 2023, with eligible political subdivisions in accordance with the provisions of Texas Election Code section 271.002 is in the best interest of the City; and

WHEREAS, the City Council finds and determines that contracting for election services with the Comal County Clerk and the Election Administrators for Bexar and Guadalupe County (collectively, the “**Elections Administrators**”) to conduct this election is in the best interest of the City; and

WHEREAS, the City Council finds and determines that holding such an election as provided for herein in is the best interest of the health, safety and welfare of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. An election shall be held on November 7, 2023, in and throughout the City, for the purpose of electing Councilmembers for Place 3, Pace 4 and Place 5 for a three-year term to expire November 2026.

Section 2. The City will hold a Joint General Election with the Schertz- Cibolo Universal City Independent School District (the “**District**”), the City of Cibolo, and other political subdivisions, as provided pursuant to the provisions of joint election agreements between Comal County, Bexar County, and Guadalupe County and the City of Schertz, adopted in accordance with the provisions of Section 271.002 of the Texas Election Code, as amended.

Section 3. At said Election, the candidate receiving the most votes for Councilmember Place 3, Place 4, and Place 5 respectively, shall be declared elected for a term to expire in November 2026.

Section 4. Any candidate desiring to have his or her name on the Official Ballot for said General Election shall, no sooner than Saturday, July 22, 2023, and no later than Monday, August 21, 2023 at 5:00 p.m., file with the City Secretary an application in writing and in the form prescribed by the Texas Election Code requesting that his or her name be placed on the Official Ballot and declaring as a Candidate for Councilmember for either Place 3, Place 4 or for Place 5. The name of all eligible candidates whose applications have been duly and timely filed shall be placed on the ballot pursuant to a drawing as provided by law.

Section 5. The election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas, and conducted in accordance with the terms set forth in the Contracts for Election Services, attached hereto as **Exhibit A**.

Section 6. The City Secretary is hereby designated as the election officer for the City and is hereby authorized to perform all duties and take all actions as required pursuant to the Election Services or Joint Election Agreement and is further authorized to take any additional actions required by state law.

Section 7. The Early Voting Locations established for this election are designated on **Exhibit B**. A list of the City Election Precincts/Vote Centers and the polling places designated for each such election precinct are identified on **Exhibit C**.

Section 8. Polling on election day shall be held at the Vote Center Locations listed on **Exhibit B** on Tuesday, November 7, 2023, as prescribed by applicable law, and, the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 9. The Election Administrators are hereby designated as the Early Voting Clerks to conduct such early voting in the election in accordance with the provisions of the Texas Election Code. The main Early Voting places at which early voting shall be conducted for those living respectively are in Bexar, Comal, and Guadalupe Counties.

- Bobbie Koeppe, Comal County Clerk, mailing address 396 N. Seguin Avenue, New Braunfels, Texas 78130, (830-221-1230) or koeppeb@co.tx.us
- Jacquelyn Callanen, the Elections Administrator of Bexar County, mailing address 1103 S. Frio, Suite 100 San Antonio, Texas 78207, (210-335-8683) and <https://www.bexar.org/1568/Elections-Department>
- Lisa Hayes, the Elections Administrator of Guadalupe County, mailing address is 215 S. Milam Street Seguin, Texas 78155 or PO Box 1346, Seguin Texas 78156-1346, (830-303-6363) and <https://www.co.guadalupe.tx.us/elections/>

Section 10. Early voting shall be conducted from Monday, October 23, 2023, through Friday, November 3, 2023, with some exceptions of certain Saturdays, Sundays, and official State holidays. The locations and hours for the early voting are attached to this Resolution as _

Section 11. The anticipated fiscal impact of conducting the election is currently estimated to be \$45,633.00.

Section 12. All resident qualified voters of the City shall be permitted to vote at any of the Early Voting locations designated in Comal, Bexar, or Guadalupe County. On Election Day, such voters shall vote at any Polling Place/Vote Centers located in their designated election county (Comal, Bexar, and Guadalupe). The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

Section 13. A substantial copy of this Resolution shall serve as proper notice of the Election. The City Secretary shall post and publish the election notice as required by the Texas Election Code.

Section 14. The Council authorizes the City Manager, or his/her designee, to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee.

Section 15. The Council authorizes the City Manager, or his/her designee, to negotiate and enter into contracts with the County Clerk and Elections Administrators to conduct the Election in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee.

Section 16. 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 Council.

Section 17. All ordinances and 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 ordered herein.

Section 18. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 19. 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 this Council hereby declares that this Resolution would have been enacted without such invalid provision. The Council hereby authorizes the Mayor and the City Secretary of the City to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or Federal Law or to carry out the intent of this Council, as evidenced herein.

Section 20. All exhibits provided for herein are incorporated by reference.

Section 21. 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 22. This Resolution shall be in force and effect from and after its final passage and any publication required by law.

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PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2023.

Ralph Gutierrez, Mayor

ATEST:

la Edmondson, TRMC,
City Secretary

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(SEAL OF CITY)