

RESOLUTION 23-R-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, APPROVING THE CANVASS OF NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING THE RESULTS OF SUCH ELECTION

WHEREAS, a General Election were held in the City of Schertz, Texas (the "City"), on the 7th day of November 2023 to elect a Councilmember Place 3, Councilmember Place 4 and Councilmember Place 5 for a three-year term; and

WHEREAS, said elections were duly and legally held in conformity with the applicable election laws of the State of Texas ("Texas"); and

WHEREAS, the Election Administrator has provided to the City, as required by applicable Texas law, the election results, as tabulated by the Election Administrator; and

WHEREAS, there came to be considered the returns of the general election held on the 7th day of November 2023, for the purpose of electing one Councilmembers for Place 3, Place 4, and Place 5; and

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

Section 1: That the General Election of the City of Schertz, Texas held November 7, 2023, was duly called, that notice of such election was given, and that such election was held in accordance with law.

Section 2: That the tabulation of votes cast to elect one Councilmembers for Place 3 Place 4 and Place 5 in the General Election held on November 8, 2023, as shown in the official canvass of the returns of said general election shown below reflects the following results:

	Early Voting			Election Day			Total Votes Cast	Vote %
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe		
City Council Place 3								
Paul Macaluso	103	27	1128	116	29	804	2207	64.12%
Tyrone Taylor	140	35	445	151	24	440	1235	35.88%
City Council Place 4								
Danielle Craig	29	8	278	33	6	239	593	18%
Robert C. Marks. Jr.	32	25	188	38	13	158	454	14%
Michael Armstrong	47	19	348	52	13	274	753	23%
Tiffany M. Gibson	138	10	722	125	20	526	1541	46%
City Council Place 5								
Paul J. Kendzior	63	51	550	97	30	398	1189	34.66%
Robert Westbrook	170	15	1042	151	25	838	2241	65.34%
Total Votes Cast	722	190	4701	763	160	3677	10,213	
	Early Voting:	5613		Election Day:	4600		Total Votes Cast	10,213

Section 3. The City Council finds that the results of the general election as set forth above reflect the reported votes, and the canvass of votes is hereby approved.

Section 4. The total of votes cast during early voting was 5,613 by personal appearance and absentee, and 4600 votes were cast on Election Day. The total number of votes cast in this election was 10,213

Section 5. The City Council finds that the results of the general election as set forth above reflect that Mr. Paul Macaluso is hereby declared elected to the Office of the Councilmember Place 3 and Mr. Robert Westbrook is hereby declared elected to the Office of the Councilmember of Place 5.

Section 6. The canvass and tabulations of votes cast at the November 7, 2023; election reflects that no candidate for Place 4 received sufficient votes to be elected to the city council. 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 Councilmember Place 4 on the City Council.

Section 7. 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 8. 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 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 10. 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 11. 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 12. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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

City of Schertz

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary