

RESOLUTION NO. 23-R-124

A RESOLUTION BY THE CITY COUNCIL OF SCHERTZ, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD ON DECEMBER 9, 2023, FOR CITY COUNCIL PLACE 4 AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on the 11th day of July 2023, the City Council of the City of Schertz, through adoption of Resolution 23-R-55, ordered a General Election to be held in said City on the 7th day of November 2023, in accordance with the provisions of the Charter of said city, for the purpose of electing one Councilmember for Place 3, Place 4 and Place 5; and

WHEREAS, pursuant to Texas Election Code Sec. 2.021 through 2.023, if no candidate for a place on City Council receives a majority of the vote a runoff election is required between the candidates who receive the highest and second highest number of votes; and

WHEREAS, pursuant to Schertz City Charter Section 9.03, in the event no candidate for an elective office receives a majority of the votes cast for that place in the general or special election, a runoff election shall be held between the two (2) candidates who received the greater number of votes; and

WHEREAS, a canvassing of the returns and declaring the results of a General Election held on November 7, 2023 was approved by the City Council on November 20, 2023; and

WHEREAS, the canvass determined that, in the race for Council Member Place 4, no candidate received a majority of the votes cast; and

WHEREAS, the two candidates receiving the highest number of votes for the office of Council Member Place 4 were Michael Armstrong and Tiffany M. Gibson; and

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 a runoff election is hereby ordered to be held Saturday, December 9th, 2023, for the purpose of electing Council member Place 4 and

Section 3. That in accordance with Section 2.026, Notices of the 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 15th day before Election Day in the newspaper of general circulation.

Section 4. That the terms and conditions of the joint election agreement and contract with Bexar, Comal, and Guadalupe Counties, adopted on the 11th day of July 2023, through the adoption of Resolution No. 23-R-55, 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 Runoff Election for December 9, 2023 (Counties: Guadalupe, Bexar, and Comal) with a Guadalupe County 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 webpage at <http://www.co.guadalupe.tx.us/elections/index.php>; and visiting the City of Schertz webpage at 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 December 9, 2023, City of Schertz Runoff Election is December 9, 2023.

Section 8. That applications for ballots by mail must be received no later than 5:00 p.m., December 9, 2023:

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 _____ day of _____ 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary