

**CITY OF WOODCREEK, TEXAS**

**RESOLUTION NO. 2020-11-17-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS OF THE CITY COUNCIL, AT-LARGE, AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING ONE (1) COUNCILMEMBER OF THE CITY COUNCIL, AT-LARGE, UNEXPIRED TERM, OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, on August 12, 2020, the City Council (the "Council") of the City of Woodcreek, Texas (the "City") ordered a general election to be held on November 3, 2020 for the purpose of electing three Councilmembers of the City Council, At-Large and a special election to be held on November 3, 2020 for the purpose electing one Councilmember of the City Council, At-Large, Un-Expired Term (the "Election"); and

**WHEREAS**, section 67.003(b) of the Texas Election Code provides the local canvass must occur not later than the 11th day after election day and not earlier than the later of: (1) the third day after election day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States; and

**WHEREAS**, section 67.004(a) of the Texas Election Code provides that only two (2) members of the canvassing authority are needed and constitute a quorum for the purpose of canvassing election results; and

**WHEREAS**, a quorum of the canvassing authority, the Council, met on November 17, 2020, to duly canvass the election returns of the Election attached hereto as Exhibit A and incorporated by reference as if fully set forth herein; and

**WHEREAS**, the Council has reviewed and investigated all matters pertaining to the Election, including the resolving, notices, election officers, holding, and returns thereof; and

**WHEREAS**, the Council hereby canvasses the returns of this Election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the election to the position of three Councilmembers of the City Council, At-Large, and one Councilmember of the City Council, At-Large, Un-Expired Term; and

**WHEREAS**, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and

conducting such Election; the poll lists and the official election returns showing separately the votes cast in the Election; and

**WHEREAS**, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

**CITY COUNCIL, AT-LARGE**

Aurora F. Le Brun	<u>428</u> Votes
Jeff Rasco	<u>503</u> Votes
Vicki Alvord	<u>393</u> Votes
Nancye Britner	<u>404</u> Votes
Judy Brizendine	<u>414</u> Votes

**CITY COUNCIL, AT-LARGE, UN-EXPIRED TERM**

Bob Hambrick	<u>561</u> Votes
Chrys Grummert	<u>432</u> Votes

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

**SECTION 1:** The Council officially finds, determines, and declares that the Election was duly and properly ordered, that proper legal notice of such Election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the Election, that the Election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the Election, that due returns of the results of the Election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the Election.

**SECTION 2:** A PLURALITY of the resident, qualified voters of the City of Woodcreek, Texas voting in such Election, having voted for and duly electing AURORA F. LEBRUN, JEFF RASCO and JUDY BRIZENDINE for Councilmembers of the City Council, At-Large, and BOB HAMBRICK for Councilmember of the City Council, At-Large, Un-Expired Term, that the Election was duly called, that proper notice was given, and that the Election was held in all aspects in conformity with the law.

**SECTION 3:** That after the canvass of votes by the Council and completion of election certification, the Mayor shall promptly prepare and issue to the person named with the most votes in Section 2 of this resolution a Certificate of Election, and after filing the required statement disavowing bribery with the City Secretary and taking the required oath of office, the person identified in Section 2: three Councilmembers of the City Council, At-Large, and one Councilmember of the City Council, At-Large, Un-Expired Term, shall occupy his or her respective position as a member of the City Council of the City, and is entitled to serve for the term prescribed by law.

**SECTION 4:** 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 5:** 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 resolved herein.

**SECTION 6:** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 7:** 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 Council hereby declares that this Resolution would have been enacted without such invalid provision.

**SECTION 8:** 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, as amended, Texas Government Code.

**SECTION 9:** This Resolution shall be in force and effect from and after its final passage and it is so resolved.

The motion was made by Mayor Pro Tem Britner and seconded by Councilmember LeBrun. The following voted aye: Mayor Pro Tem Britner, Councilmember LeBrun, Councilmember Pulley and Councilmember Alvord. Councilmember Scheel was not present and did not vote. The motion passed with a 4-0-1 vote.

PASSED, ADOPTED AND APPROVED on 17<sup>th</sup> day of November 2020, the date of the canvassing meeting.

CITY OF WOODCREEK, TEXAS

  
Gloria Whitehead, Mayor

ATTEST:

  
Linda Land, City Secretary