

ORDINANCE 05152023

AN ORDINANCE OF THE CITY COUCIL OF THE CITY ELKHART, TEXAS, APPROVING THE CANVASS OF THE MAY 6, 2023, GENERAL ELECTION FOR ELECTING MAYOR, COUNCILMEMBERS PLACE 2 AND PLACE 4; DECLARING THE RESULTS OF SAID ELECTION; PROVIDING A SEVERABILTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 6, 2023, the City Council of the City of Elkhart, Texas approved Ordinance No. 02062023-01 ordering a regular election to be held on May 6, 2023, for the purpose of electing Mayor, Councilmembers place 2 and place 4 to the City of Elkhart City Council, to hold office for a period of two years; and

WHEREAS, only duly qualified resident voters of the City of Elkhart, Texas voted in said election, and the election was called and held in strict conformity with the laws of the State of Texas; and

WHEREAS, there were cast in said election 212 votes, as show in the official election results heretofore lawfully submitted to the City Council of the City of Elkhart, Texas and filed with the City Secretary of said city; and

WHEREAS, the City Council met on May 15, 2023, and duly canvassed the election returns of the above-mentioned election, hereby attached as **Exhibit "A"** and incorporated herein for all purposes, which are as follows:

<u>Mayor</u>	<u>Mail-In</u>	<u>Early Voting</u>	<u>Election Day</u>	<u>Provisional</u>	<u>Total Votes</u>
Billy Jack Wright	0	22	34	1	56
Jennifer McCoy	1	114	38	2	152

<u>Councilmember Place 2</u>	<u>Mail-In</u>	<u>Early Voting</u>	<u>Election Day</u>	<u>Provisional</u>	<u>Total Votes</u>
James Chris Sheridan	0	22	40	1	62
Randy McCoy	1	114	32	2	146

<u>Councilmember Place 4</u>	<u>Mail-In</u>	<u>Early Voting</u>	<u>Election Day</u>	<u>Provisional</u>	<u>Total Votes</u>
James Warren			UNOPPOSED		

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for the Regular Election have been performed and completed in the manner and form set forth by law.

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

SECTION 1. Finding Incorporated. The findings set forth above are incorporated into the body of the Ordinance as if fully set forth herein.

SECTION 2. Declaration of Elected City Council Members. Based on the Election returns, attached hereto as **Exhibit "A"**, it is hereby declared that the following individuals are elected to the City Council of the City of Elkhart, Texas:

Mayor, Jennifer McCoy
Councilmember Place 2, Randy McCoy
Councilmember Place 4, James Warren

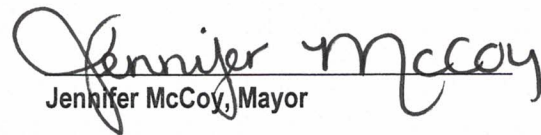
SECTION 3. Ballots Cast. The City Council hereby finds and determines that, as a results of this Canvass, 1 absentee vote 136 early votes 72 election day votes and 3 provisional votes for a total of 212 ballots cast of the registered voters in the Regular Election held on May 6, 2023, of City of Elkhart, Texas.

SECTION 4. Savings/Repealing Clause.All provisions of any ordinance or resolution in conflict with this ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution from violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, sentence, clause, or phrase of the Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of the Ordinance shall remain in full force and effect. Elkhart hereby declares that it would have passed the Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ELKHART, TEXAS on this 15th day of May 2023


Jennifer McCoy, Mayor

ATTEST TO:


Sunshine Alcorta, Assistant City Secretary