

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 5, 2018, TO ELECT ONE MEMBER OF THE NEW BRAUNFELS CITY COUNCIL; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I

Came on this the 14th day of May, 2018, the 9th day after the called election to elect one member of the City Council of New Braunfels, Texas, to be canvassed in accordance with State law, the returns of the municipal election held on the 5th day of May, 2018, at which election there were submitted to the qualified voters of the City of New Braunfels, the names of candidates to be considered for the election of one member of the City Council, all as fully set out in the resolution ordering said election and approved on the 22nd day of January, 2018, as set out in the Election Notice published in the New Braunfels Herald-Zeitung, a newspaper of general circulation in said city, as required by law, reference to said resolution being here made for all purposes, and the City Council of the City of New Braunfels has met to canvass the returns and to declare the result of said election in the manner provided by law, and after considering, determining and canvassing all matters of facts, including votes, appertaining, we, the Mayor and the City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do hereby find and declare the result of said election to be as tabulated below:

FOR MEMBERS OF CITY COUNCIL

DISTRICT FOUR

MATTHEW HOYT	496 VOTES
BRAD BECHTOL	229 VOTES

II

And it appearing to the City Council of the City of New Braunfels that the names of the candidates for a Councilmember for the City of New Braunfels from District Four

for a term which shall begin at the first regular meeting following this canvass (May 29, 2018) and shall expire when his/her successor is elected and qualified; were submitted at said election and that the election was held and conducted, and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, the order of the City Council and the law for such cases made and provided, and that at said election, there were cast respectively for each of the said candidates for the office of Councilmember from District Four for a term beginning on May 29, 2018, and which shall expire in May 2021, the aggregate number of votes as shown on the above.

III

And the Mayor and City Council of the City of New Braunfels, having first canvassed said returns and having found the same in all things correct, the same was thereupon adopted by majority vote of the City Council; and it is further declared that as a result of said election; the Councilmember of the City of New Braunfels from District Four for the term beginning on May 29, 2018, is

DISTRICT FOUR: Matthew Hoyt

and each was elected by receiving the majority of all votes cast for the office which he/she was a candidate, cast by the qualified voters of the City of New Braunfels voting at said election, and each is hereby declared to be the lawful and duly elected Councilmember for the City of New Braunfels for the district specified.

IV

If any part of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this Ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and that the provisions hereof are severable.

V

It is further ordained that, in view of the fact that it is for the best interest of the citizens of the City of New Braunfels, and one which requires the immediate declaration and the canvass and result of said election thereby creating an imperative public necessity that the rule requiring ordinances to be read at two separate meetings of the City Council be suspended, the same is hereby suspended, and this ordinance shall take effect and be in full force from and after its passage as an emergency ordinance as made and provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED: this the 14th day of May, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney