

ORDINANCE NO. 2021-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION OF NEW BRAUNFELS, TEXAS, COMAL COUNTY, HELD ON SATURDAY, MAY 1, 2021 TO ELECT TWO MEMBERS TO THE NEW BRAUNFELS CITY COUNCIL FOR DISTRICT THREE (3) AND DISTRICT FOUR (4), EACH FOR A THREE (3)-YEAR TERM, DECLARING THE RESULTS OF SAID ELECTION, AND DECLARING AN EMERGENCY.

WHEREAS, on the 8th day of February, 2021, the City Council of the City of New Braunfels ordered a General Election to be held on Saturday, May 1, 2021, for the purpose of electing councilpersons for New Braunfels City Council Districts Three (3) and Four (4); and

WHEREAS, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election, all as required by applicable federal, state, and local law; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, said returns have been duly delivered to the City Council, and it is now necessary to declare the official results of the canvass; **NOW THEREFORE:**

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

SECTION 1. The City Council having convened on this the 10th day of May 2021, to canvass the returns of the General Election held on May 1, 2021, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

SECTION 2. The Mayor and 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 officially find and declare the results of the May 1, 2021 General Election to be as follows:

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GENERAL ELECTION – FOR MEMBERS OF CITY COUNCIL

DISTRICT THREE

<i>ELECTION DAY VOTING</i>		
<i>District (Districto)</i>	Kevin Robles	Harry Bowers
No. 1*	--	--
No. 2*	--	--
No. 3	83	306
No. 4*	--	--
No. 5*	--	--
No. 6*	--	--
Totals	83	306

** Candidates for District Three only appeared on the ballots for voters residing in district Three. Therefore, there are no votes cast for District Three candidates in Districts One, Two, Four, Five, and Six.*

<i>EARLY AND ABSENTEE VOTING</i>		
<i>District (Districto)</i>	Kevin Robles	Harry Bowers
No. 1*	--	--
No. 2*	--	--
No. 3	110	721
No. 4*	--	--
No. 5*	--	--
No. 6*	--	--
Totals	110	721

** Candidates for District Three only appeared on the ballots for voters residing in district Three. Therefore, there are no votes cast for District Three candidates in Districts One, Two, Four, Five, and Six.*

<i>TOTAL NUMBER OF VOTERS WHO CAST BALLOTS FOR EACH CANDIDATE</i>		
	Kevin Robles	Harry Bowers
Totals	193	1,027

<i>GRAND TOTALS FOR ELECTION DAY, EARLY, AND ABSENTEE VOTES</i>		
	Kevin Robles	Harry Bowers
Totals	193	1,027

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DISTRICT FOUR

<i>ELECTION DAY VOTING</i>		
<i>District (Districto)</i>	Lawrence Spradley	Joy Harvey
No. 1*	--	--
No. 2*	--	--
No. 3*	--	--
No. 4	188	164
No. 5*	--	--
No. 6*	--	--
Totals	188	164

** Candidates for District Four only appeared on the ballots for voters residing in district Four. Therefore, there are no votes cast for District Four candidates in Districts One, Two, Three, Five, and Six.*

<i>EARLY AND ABSENTEE VOTING</i>		
<i>District (Districto)</i>	Lawrence Spradley	Joy Harvey
No. 1*	--	--
No. 2*	--	--
No. 3*	--	--
No. 4	336	311
No. 5*	--	--
No. 6*	--	--
Totals	336	311

** Candidates for District Four only appeared on the ballots for voters residing in district Four. Therefore, there are no votes cast for District Four candidates in Districts One, Two, Three, Five, and Six.*

<i>TOTAL NUMBER OF VOTERS WHO CAST BALLOTS FOR EACH CANDIDATE</i>		
	Lawrence Spradley	Joy Harvey
Totals	524	475

<i>GRAND TOTAL FOR ELECTION DAY, EARLY, AND ABSENTEE VOTES</i>		
	Lawrence Spradley	Joy Harvey
Totals	524	475

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SECTION 3. Voting numbers are also broken out by precinct and attached to this ordinance in the New Braunfels Canvass Report provided by Comal County through its contract for holding a joint election and are incorporated for all purposes herein. However, since Comal County was holding joint elections, including elections for certain school districts, some precincts may also include areas which are not within the city limits for the City of New Braunfels and each district had its own ballot for district representation. As a result, the City Council utilized the per district numbers provided by Comal County.

SECTION 4. As a result of the May 1, 2021 General Election, the following individuals were elected to serve as City Council Members for District Three and District Four, with their respective terms beginning on May 24, 2021:

DISTRICT THREE: Harry Bowers

DISTRICT FOUR: Lawrence Spradley

and each was elected by receiving the majority of all votes cast for the office for 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 Council Member for the City of New Braunfels for the district specified.

SECTION 5. 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.

SECTION 6. 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 10th day of May 2021.

CITY OF NEW BRAUNFELS, TEXAS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney