

AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS

AGENDA OF:	May 15, 2018	AGENDA ITEM:	ELECTION A-L
DATE SUBMITTED:	May 11, 2018	DEPARTMENT:	Administration
PREPARED BY:	Kimberly Kopecky, Interim City Secretary	PRESENTER:	Kimberly Kopecky, Interim City Secretary
SUBJECT: Election Items			
ATTACHMENTS: Items A-L			
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

- A- Official Canvass of May 5, 2018 City of Fulshear General Election Results
 - *Official results document will be received prior to the Council meeting.*

- B- Ordinance No. 2018-1276 Canvassing the Returns and Declaring the results of the General Election held on May 5, 2018
 - *Ordinance is recommended for adoption*

- C- Presentation and Appreciation for Outgoing Council Members
 - *Outgoing Council Members will be recognized for their service to the City.*

- D- Comments from Outgoing Council Members
 - *Outgoing City Council Members will be given an opportunity to provide comments to the public regarding their service to the City.*

- E- Resolution No. 2018-383 announcing withdrawal of candidate for runoff election and not calling a runoff election
 - *As one of the two runoff candidates has resigned, state law says that no runoff election will be held and the remaining candidate is declared the winner. This resolution acknowledges these events.*

- F- Oath of Office for New Council Members
 - *Judge Kelly Crow will administer the oath of office to all incoming City Council Members.*

G- Comments from Incoming Council Members

- *Incoming City Council members will be provided an opportunity to provide comments to the public regarding their upcoming term serving on the City Council.*

H- Elect a Mayor Pro-Tem

- *The City Council will discuss and make a decision to elect a Mayor Pro-Tem as required by Section 3.09(f) in the Home Rule Charter.*

I- Drawing of Lots for a One (1) year City Council Term

- *As new positions on City Council have been filled, newly elected officials from Districts 2, 3, and 4 will participate in a drawing to determine which position will serve the one (1) year term as required by Section 9.05(b) in the Home Rule Charter.*

J- Ordinance No. 2018-1277 declaring the results from the Drawing of Lots

- *This ordinance will ratify the results of the drawing and is recommended for approval.*

K- Project Overview Presentation for Incoming Council Members by FBC Pct. 3 Commissioner Andy Meyers

- *Commissioner Meyers will provide an update to the new City Council members regarding project activity and other information relevant to the area.*

L- Recess to Honor Elected Officials

- *City Council will take a short recess to honor all elected officials present.*

RECOMMENDATION

Staff recommends the City Council initiate and consider action for all items in this section of the Agenda.

ORDINANCE NO. 2018- 1276

AN ORDINANCE CANVASSING THE RETURNS AND DELARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 5, 2018 FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS (DISTRICT 2, DISTRICT 3, DISTRICT 4, AT-LARGE) AND MAYOR TO THE CITY COUNCIL OF THE CITY OF FULSHEAR.

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 5, 2018 for the purpose of electing four (4) Council Members (District 2, District 3, District 4, At-Large) and Mayor;

WHEREAS, said elections were duly and legally held in conformity with the election laws of the State of Texas, and the results of said elections have been verified and returned by the proper judges and clerks; and

WHEREAS, attached hereto as Exhibit A is a tabulation stating for each candidate the total number of votes received in each precinct, the sum of the precinct totals, the total number of voters who cast a ballot for a candidate in the election, and the report of early voting votes by precinct received under Section 87.1231 of the Texas Election Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR TEXAS:

Section 1. That the facts set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes.

Section 2. That the Exhibit A attached hereto is incorporated herein by this reference.

PASSED, APPROVED, AND ADOPTED this 15th day of May, 2018.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, Interim City Secretary

RESOLUTION NO. 2018-383

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS,
ANNOUNCING THE RECEIPT OF A CERTIFICATE OF WITHDRAWAL OF A
CANDIDATE FOR THE AT LARGE POSITION AND THEREFORE MOOTING THE
NECESSITY FOR CALLING A RUN-OFF ELECTION.**

WHEREAS, the City of Fulshear Home Rule Charter called for the creation of and an election to fill an at large position for the Fulshear City Council; and

WHEREAS, at the general election held May 5, 2018 no candidate for the at large position received a majority vote thereby necessitating a runoff election; and

WHEREAS, Mr. Jason Maklary has filed a properly executed Certificate of Withdrawal from the runoff election for the at large position; and

WHEREAS, Section 145.095 of the Texas Election Code states "If a runoff candidate withdraws, the remaining candidate is considered to be elected and the runoff election for that office is not held";

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

Section 1. All of the matters and facts set forth in the preamble hereof are true and correct.

Section 2. Because of the filing with the City Secretary of a Certificate of Withdrawal by one of the two candidates for the at large position, the necessity of the contemplated runoff election has become moot and therefore no runoff election is ordered.

PASSED AND APPROVED this 15th day of May, 2018.

Jeff W. Roberts, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

Exhibit "A"

Certificate of Withdrawal

MAY 10 2018

CERTIFICATE OF WITHDRAWAL

CITY SECRETARY OFFICE

@ 4:15 pm KH

I, Jason Maklary, a candidate for the office of City Council at Large, hereby withdraw my candidacy from the Runoff election. The election is being conducted by Fulshear and is to be held on June 16, 2018 (political subdivision/county/party) (date)

[Signature]
Signature of Candidate

"The State of Texas,

"County of Fort Bend,

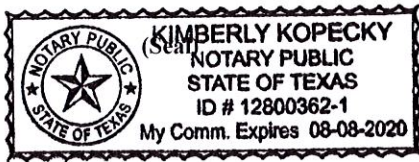
"This instrument was acknowledged before me on May 10, 2018 by (date)

Jason Maklary (withdrawing candidate)

[Signature]
(Signature of officer)

Interim City Secretary
(Title of officer)

My commission expires: 08-08-2020



Forma prescrita por la Secretaría de Estado
Fracción 145.001 del Código Electoral de Tejas

CONSTANCIA DE RETIRO DE CANDIDATURA

Yo, _____, candidato/a al cargo de _____, por este medio retiro mi candidatura de la elección _____. Dicha elección estará a cargo de _____ y se celebrará el _____. (subdivisión política/condado/partido) (fecha)

Firma del/de la Candidato/a

"El estado de _____,

"Condado de _____,

"El presente instrumento fue reconocido ante mí el _____ por (fecha)

(persona que retira su candidatura)

(Seal)

Firma del/de la Oficial

(Título del/de la Oficial)
(Mi cargo se vence el): _____

ORDINANCE NO. 2018-1277

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, DECLARING THE RESULTS OF THE DRAWING OF LOTS PRESCRIBED BY SECTION 9.05(b) OF THE HOME-RULE CHARTER, TO DETERMINE WHICH COUNCIL MEMBER ELECTED FROM A SINGLE-MEMBER DISTRICT IN THE YEAR 2018 SHALL SERVE A ONE-YEAR TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, Section 9.05(b) of the Home-Rule Charter of the City of Fulshear, Texas, prescribes that one Council Member elected from a single-member district in the year 2018, shall serve a one-year term, and that the Council Member who serves such one-year term is determined by drawing lots at the first regular City Council meeting held after the election; and

WHEREAS, in accordance with Section 9.05(b), each of the Council Members elected from a single-member district in the year 2018 have drawn lots to determine which of them shall serve a one-year term; and

WHEREAS, the City Council of the City of Fulshear, Texas, desires to declare the official results of said drawing of lots;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. The Council Member for District No. _____, elected May 5, 2018, being _____, shall serve a one-year term, and said office shall next be elected on the May uniform election date in the year 2019.

Section 2. The Council Member for District No. _____, elected May 5, 2018, being _____, shall serve a two-year term, and said office shall next be elected on the May uniform election date in the year 2020.

Section 3. The Council Member for District No. _____, elected May 5, 2018, being _____, shall serve a two-year term, and said office shall next be elected on the May uniform election date in the year 2020.

Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it

would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the 15th day of May, 2018.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, Interim City Secretary