

RESOLUTION NO. 2021-11-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POST OAK BEND, TEXAS, CANVASSING THE ELECTION RETURNS AND DECLARING ELECTION RESULTS IN THE SPECIAL ELECTION HELD IN THE CITY OF POST OAK BEND ON NOVEMBER 2, 2021, FOR THE PURPOSE OF ELECTING TWO COUNCIL MEMBERS; ONE FOR AN UNEXPIRED TERM BEGINNING NOVEMBER, 2020 AND ENDING MAY, 2022, DUE TO A VACANCY CREATED AFTER THE MAY 2, 2021 ELECTION; AND ONE FOR A TERM BEGINNING NOVEMBER, 2020, AND ENDING MAY, 2023 DUE TO NO CANDIDATES FILING FOR THE MAY 2, 2021, ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on July 13, 2021, the City Council of the City of Post Oak Bend, Texas (the “City Council”) ordered and called a Special Election to be held on Tuesday, November 2, 2021, for the purpose of electing two Council Members, one for an unexpired term beginning November, 2020 and ending May, 2022, due to a vacancy created after the May 2, 2021 election; and one for a term beginning November, 2020, and ending May, 2023 due to no candidates filing for the May 2, 2021, election; and

WHEREAS public notice of such election was duly given and such election was duly and properly held and administered in accordance with the laws of the State of Texas; and

WHEREAS the City Council has met on November 9, 2021, to canvass the Special Election returns, and the returns of the election were made to the City Council by the election officers in strict conformity with law, and the City Council has carefully and accurately examined and canvassed the returns and tabulated the results of the election; and

WHEREAS it was found that the persons herein named received the following total number of votes for said term of office as Council Members:

**COUNCIL MEMBER CANDIDATES
UNEXPIRED TERM NOVEMBER 2021 – MAY 2022**

Chris Cox	16
Billy Ray McMahan	31

**COUNCIL MEMBER CANDIDATES
OPEN SEAT NOVEMBER 2021- MAY 2023**

No applicants

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POST OAK BEND, TEXAS:

SECTION 1: That the recitals set forth in the preamble clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That Billy Ray McMahan is hereby declared to be elected to the office of Post Oak Bend City Council Member.

SECTION 3: That a majority of the residents and qualified electors of the City of Post Oak Bend, Texas, voting in a Special Election for the purpose of electing two City Council Members, have cast the Election Day, Early Voter and Mail Voter votes reflected on the attached Election Returns Sheet and Certification of the Elections Administrator for Kaufman County, Texas.

SECTION 4: That it is hereby declared that the City of Post Oak Bend, Texas approves and accepts the results of the Special Election for one City Council Member as set forth in the attached Election Returns Sheet and Certification of the Elections Administrator for Kaufman County, Texas, as determined by the majority vote of the qualified voters of the City of Post Oak Bend, Texas; and that one vacancy shall remain until filled in accordance with law.

SECTION 5: That 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: That if any part or parts of this Resolution are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this resolution is considered severable.

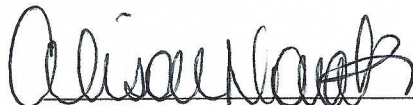
SECTION 7: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Texas Local Government Code.

SECTION 8: That the acting City Secretary shall record this Resolution in the City's official records.

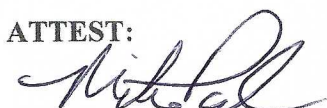
SECTION 9: That this Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10: That this Resolution will become effective immediately upon its passage by the City Council of the City of Post Oak Bend, Texas.

DULY PASSED AND APPROVED THIS THE 16th DAY OF NOVEMBER, 2021.


Alison Novak, Mayor

ATTEST:


Mike Parker, Mayor Pro Tem
Acting as City Secretary