



**CITY OF FAIR OAKS RANCH**  
**SPECIAL COUNCIL MEETING**

Tuesday, December 19, 2023 at 9:00 AM

City Hall Council Chambers, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

---

**AGENDA**

---

**OPEN MEETING**

1. Roll Call - Declaration of a Quorum.
2. Pledge of Allegiance

**CITIZENS and GUEST FORUM**

*To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.*

3. Citizens to be heard.

**PURPOSE OF SPECIAL CALLED MEETING**

4. Consideration and possible action approving a resolution canvassing the results of the Special Election held on December 9, 2023.

Gregory C. Maxton, Mayor

**ADJOURNMENT**

---

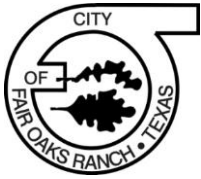
**Signature of Agenda Approval:** s/ Gregory C. Maxton

Gregory C. Maxton, Mayor

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website [www.fairoaksranchtx.org](http://www.fairoaksranchtx.org), both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by **6:30 PM, December 16, 2023** and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



**CITY COUNCIL CONSIDERATION ITEM  
CITY OF FAIR OAKS RANCH, TEXAS**

AGENDA TOPIC: Consideration and possible action approving a resolution canvassing the results of the Special Elections held on December 9, 2023  
DATE: December 19, 2023  
DEPARTMENT: City Secretary  
PRESENTED BY: Gregory C. Maxton, Mayor

**INTRODUCTION/BACKGROUND:**

The attached resolution is required to approve the canvass of returns and to declare the results of the Special Election held on December 9, 2023.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

Complies with State Law.

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

N/A

**LEGAL ANALYSIS:**

Approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**

I move to approve the resolution canvassing the election returns and declaring the results of the Special Elections held on December 9, 2023.

**A RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS  
CANVASS OF RETURNS AND DECLARATION OF RESULTS OF THE SPECIAL ELECTION  
HELD DECEMBER 9, 2023, IN THE CITY OF FAIR OAKS RANCH, TEXAS**

**WHEREAS**, the City Council of the City of Fair Oaks Ranch, Texas called a special election to be held in the City on December 9, 2023, to fill a vacancy for Council Member Place 3; and

**WHEREAS**, applications to be placed on the ballot were received and filed with the City Secretary for Council Member Place 3; and

**WHEREAS**, after said election the Presiding Judge of Kendall County holding said election made the returns of the results thereof as follows, and said returns being made according to law, and it being shown that written notice of said elections was posted for the time and in the manner provided by law, and all other proceedings pertaining to said elections having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Secretary and no protest or objection being made to or regarding any matter pertaining to said election; and

**WHEREAS**, on the 19th day of December 2023, at a special meeting of the City Council of the City of Fair Oaks Ranch, Texas, with at least two council members being present, the meeting was called to order to open, examine, and canvass the official returns of the special election held in the City on the above-mentioned date, for the election of Council Member Place 3.

**CANVASS OF RETURNS AND DECLARATION OF RESULTS**

**NOW, THEREFORE**, be it resolved by the City Council of the City of Fair Oaks Ranch, Texas, after opening said returns and, examining and canvassing the votes of said election, that:

**Section 1.** The results are as follows:

**COUNCIL MEMBER, PLACE 3**

County	Vincent Caldarola			Ruben Olvera		
	Absentee Voting	Early Voting	Election Day	Absentee Voting	Early Voting	Election Day
Bexar						
Comal						
Kendall						
Totals:						
Grand Totals:						

- Section 2.** It appearing that Ruben Olvera was duly elected Council Member, Place 3, said candidate received a majority of all votes cast for the office of Council Member, Place 3, and is hereby declared to be elected to said office to serve the remainder of a three-year term, subject to taking the Oath of Office as provided by the laws of the State of Texas.
- Section 3.** It is further resolved that this canvass and declaration of results of said special election be entered in the Minutes of the City Council and the Election Register and that said officer, after being qualified and having taken the Oath, shall serve commencing December 21, 2023, and thereafter until a successor is duly elected and qualified.
- Section 4.** This resolution, declaring results of the election, shall become effective immediately after its passage.
- Section 5.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 6.** All 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 provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 7.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 8.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 9.** It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and that public notice of the time, place and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required Chapter 551, Texas Government Code, as amended.
- Section 10.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED, APPROVED, and ADOPTED on this 19<sup>th</sup> day of December, 2023.**

\_\_\_\_\_  
Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Christina Picioccio, TRMC, City Secretary

\_\_\_\_\_  
Denton Navarro Rocha Bernal & Zech, P.C.,  
City Attorney