
MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a special meeting at City Hall, 41 Champions Circle, Woodcreek, TX. The meeting will be held on November 22, 2022 at 2:15PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

*The public may watch this meeting live at the following link:
<https://meetings.ipvideotalk.com/220924732>. The public may listen to this meeting by dialing one of the following numbers: 1(617) 315- 8088 or toll free at 1(866) 948-0772. When prompted enter Meeting ID:220924732.*

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

AGENDA

CALL TO ORDER

ROLL CALL AND ESTABLISH QUORUM

For the purpose of canvassing the election results, two members of the canvassing authority (i.e. City Council) constitutes a quorum pursuant to the Texas Election Code § 67.004(a).

PUBLIC COMMENTS

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the City Council in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Council's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042.

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda on which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for three (3) minutes per person and shall be allowed more time at the Mayor's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names of three (3) individuals present in the audience who wish to yield their three minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by noon on the day prior to the meeting. Please include your full name, home or work address, and agenda item number. Written comments will be part of the official written record only. A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request

REGULAR AGENDA

1. Canvass of the Returns of the City of Woodcreek General Election held on November 8th, 2022 for the Purpose of Electing Three (3) Councilmembers of the City Council, At-Large, to Serve Two Year Terms.
2. Discuss and Take Appropriate Action to Approve Resolution 2022-11-22-2 Canvassing the Returns and Declaring the Results of the General Election Held on November 8, 2022 for the Purpose of Election Three (3) Councilmembers of the City Council, At-Large, to Serve Two Year Terms, Other Matters in Connection Therewith

ADJOURN

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 18th day of November 2022 at 12:40PM.

By: 

Suzanne J. MacKenzie, City Secretary

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2022-11-22-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 8, 2022 FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS OF THE CITY COUNCIL, AT-LARGE, TO SERVE TWO YEAR TERMS, OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on August 17, 2022, the City Council (the “Council”) of the City of Woodcreek, Texas (the “City”) ordered a general election to be held on November 8, 2022 for the purpose of electing three Councilmembers of the City Council, At-Large, to serve two year terms; and

WHEREAS, section 67.003(b) of the Texas Election Code provides the local canvass must occur not later than the 11th day after election day and not earlier than the later of: (1) the third day after election day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States; and

WHEREAS, section 67.004(a) of the Texas Election Code provides that only two (2) members of the canvassing authority are needed and constitute a quorum for the purpose of canvassing election results; and

WHEREAS, a quorum of the canvassing authority, the Council, met on November 22, 2022, to duly canvass the election returns of the Election attached hereto as Exhibit A and incorporated by reference as if fully set forth herein; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to the Election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this Election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the election to the position of three (3) Councilmembers of the City Council, At-Large, to serve two year terms; and

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting such Election; the poll lists and the official election returns showing separately the votes cast in the Election; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

CITY COUNCIL, AT-LARGE

Robert Hambrick	<u>435</u> Votes
Vicki Alvord	<u>367</u> Votes
Linnea Bailey	<u>401</u> Votes
Joe Kotarba	<u>377</u> Votes
John Epley	<u>289</u> Votes
Chrys Grummert	<u>484</u> Votes

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

SECTION 1: The Council officially finds, determines, and declares that the Election was duly and properly ordered, that proper legal notice of such Election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the Election, that the Election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the Election, that due returns of the results of the Election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the Election.

SECTION 2: A PLURALITY of the resident, qualified voters of the City of Woodcreek, Texas voting in such Election, having voted for and duly electing CHRYS GRUMMERT, ROBERT HAMBRICK, and LINNEA BAILEY for Councilmembers of the City Council, At-Large, for two year terms; Election was duly called, that proper notice was given, and that the Election was held in all aspects in conformity with the law.

SECTION 3: That after the canvass of votes by the Council and completion of election certification, the Mayor shall promptly prepare and issue to the person named with the most votes in Section 2 of this resolution a Certificate of Election, and after filing the required statement disavowing bribery with the City Secretary and taking the required oath of office, the person identified in Section 2: one Mayor and two Councilmembers of the City Council, At-Large, shall occupy his or her respective position as a member of the City Council of the City, and is entitled to serve for the term prescribed by law.

SECTION 4: 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 Council.

SECTION 5: 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: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: 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 Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and 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 by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

The motion was made by Councilmember _____ and seconded by Councilmember _____. The following voted aye: Councilmember _____, Councilmember _____, Councilmember _____, Councilmember _____. Councilmember _____ was not present and did not vote. The motion passed with a ___-___-___ vote.

PASSED, ADOPTED AND APPROVED on 22th day of November 2022, the date of the canvassing meeting.

CITY OF WOODCREEK, TEXAS

ATTEST:

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary