

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: November 18, 2014		DATE SUBMITTED: October 29, 2014	
DEPARTMENT OF ORIGIN: City Secretary		SUBMITTED BY: Mary Lynne Stratta	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Resolution – Canvassing Election Returns			
Adoption of a resolution canvassing the election returns of the City of Bryan general election and special Charter amendment election conducted on November 4, 2014.			
<i>Resolución - Escrutinio resultados de las elecciones. La adopción de una resolución de prospección de los rendimientos electorales de la Ciudad de Bryan elección general y especial elecciones enmienda de la Carta realizadas el 4 de noviembre de 2014.</i>			
SUMMARY STATEMENT: The City Council should adopt a resolution canvassing the results of the November 4, 2014, election for Councilmember Single Member District Three and Councilmember Single Member District Four, as well as the results of the Charter amendment election.			
STAFF ANALYSIS AND RECOMMENDATION: Adopt the resolution so that newly elected Councilmembers can be sworn into office and Charter amendments can be incorporated. Elections address the City Council's strategic initiative of quality of life. The resolution was prepared after final tabulation was complete.			
OPTIONS (In Suggested Order of Staff Preference):			
1. Adopt the resolution.			
2. The timing for the canvass is set by state law. November 18 is the last day to canvass under state law.			
ATTACHMENTS: Resolution			
FUNDING SOURCE: City Secretary's Election Budget			
APPROVALS: Mary Lynne Stratta 10-29-14; Hugh R. Walker, 10/30/2014			
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/3/2014			
APPROVED FOR SUBMITTAL: CITY ATTORNEY			

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, CANVASSING ELECTION RETURNS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF ELECTING ONE CITY COUNCILMEMBER FROM SINGLE MEMBER DISTRICT NUMBER THREE AND ONE CITY COUNCILMEMBER FROM SINGLE MEMBER DISTRICT NUMBER FOUR; AND CANVASSING RETURNS OF THE SPECIAL CHARTER AMENDMENT ELECTION HELD ON NOVEMBER 4, 2014; DECLARING COUNCILMEMBERS FROM SINGLE MEMBER DISTRICTS THREE AND FOUR ELECTED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 4, 2014, in accordance with the relevant provisions of the Texas Election Code and the Charter of the City of Bryan, the general municipal election was held for the purpose of electing one City Councilmember from Single Member District Number Three and one City Councilmember from Single Member District Number Four; and

WHEREAS, a special election was also held on November 4, 2014, same being a special petition initiated Charter amendment election; and

WHEREAS, the City Secretary has administered all matters pertaining to said elections, including the ordering, giving notice, officers, holding, and making returns of said elections in accordance with state and federal law; and

WHEREAS, the election officers who held said elections have duly made the returns of the results thereof; and

WHEREAS, the Mayor by his signature hereon concurs in the results of the elections as determined by the election officers holding said elections and herein declared;

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

Section 1. That the City Council and the Mayor officially find and determine that said elections were duly ordered, that proper notice of said elections was duly given, that proper election officers were duly appointed prior to said elections, that said elections were duly held, that due returns of the results of said elections have been made and delivered, and that the City Council and the Mayor have duly canvassed said returns, all in accordance with law.

Section 2. That the City Council and the Mayor officially find and determine that every person attaining the age of eighteen (18) years and having resided within the limits of the City of Bryan for (30) days next preceding the date above fixed for said elections and who was a qualified voter under the laws of the State of Texas was permitted to vote at said elections for the candidates and for or against measures for which they were entitled to vote, therefore, to wit:

City Councilmember Single Member District Number Three

Greg Owens (unopposed)	2,141 votes	100%
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City Councilmember Single Member District Number Four

Kyle Incardona	1,480 votes	43.45%
Mike Southerland	1,926 votes	56.55%

Special Charter Amendment Election

Proposition One:

Shall Section 5 of the Bryan City Charter entitled “City Council” be amended by adding:

- (r) Council Member Independence.
- (1) Appointment or Employment of Relatives of Bryan City Councilmembers. No person related within the first or second or third degree of affinity (by marriage), or within the first or second or third degree of consanguinity (by blood), to members of the City Council shall be appointed or employed to any office, position including appointed positions or service including contracted service, paid or nonpaid within the City.

For	6,454 votes	66.01%
Against	3,324 votes	33.99%

Proposition Two:

Shall Section 5 of the Bryan City Charter entitled “City Council” be amended by adding:

- (r) Council Member Independence.
- (2) Use of the prestige of a city official’s position. A city council member shall not, in any election, except his or her own, use the prestige of the city official’s position with the city on behalf of a candidate, political party, or political committee, except that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in any connection with the endorsement.

For	7,028 votes	72.55%
Against	2,659 votes	27.45%

Proposition Three:

Shall Section 5 of the Bryan City Charter entitled “City Council” be amended by adding:

- (r) Council Member Independence.
- (3) Campaign Donations. An elected city official shall not directly or indirectly discuss or vote or influence the vote on any matter that comes before the City Council that involves a campaign donor that has made any type of contribution direct or indirect to the city elected official’s campaign funding greater than \$250 within 3 years before or after that elected official’s current election date.

For	7,181 votes	74.26%
Against	2,489 votes	25.74%

Section 3. That the City Council and the Mayor hereby officially find, determine and declare the results of said elections to be as follows:

City Councilmember Single Member District Number Three – Greg Owens (unopposed) received a majority of the votes cast in said election and is hereby declared elected as City Councilmember Single Member District Number Three.

City Councilmember Single Member District Number Four – Mike Southerland received a majority of the votes cast in said election and is hereby declared elected as City Councilmember Single Member District Number Four.

Proposition No. 1 did receive a majority vote and, therefore, said Charter amendment will be implemented.

Proposition No. 2 did receive a majority vote and, therefore, said Charter amendment will be implemented.

Proposition No. 3 did receive a majority vote and, therefore, said Charter amendment will be implemented.

Section 4. That after the canvassing of the election returns and the Statement of Officer and the Oath of Office administered, the City Secretary shall issue a Certificate of Election to Greg Owens as City Councilmember Single Member District Three and Mike Southerland as City Councilmember Single Member District Number Four in order that they may take office and organize and perform their duties in accordance with law.

Section 5. That this resolution shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan this 18th day of November, 2014.

ATTEST:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney