

ORDINANCE NO. 2023-2691

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CANVASSING THE ELECTION RETURNS OF THE SPECIAL ELECTION HELD ON FEBRUARY 25, 2023, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR WARD D TO FILL THE UNEXPIRED TERM ENDING IN MAY 2024; DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR WARD D; ORDERING A RUNOFF ELECTION TO BE HELD ON APRIL 1, 2023, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR WARD D FOR AN UNEXPIRED TERM ENDING IN MAY 2024; DESIGNATING ELECTION DAY POLLING PLACES AND HOURS; DESIGNATING EARLY VOTING POLLING PLACES AND HOURS; PROVIDING FOR ELECTION OFFICERS; PROVIDING FOR METHOD OF VOTING; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Freeport, Texas (the "City") on November 22, 2022, ordered that a Special Election (the "Election") be held within the City on February 25, 2023, by Election Order, for the purpose of electing the Council Member for Ward D for an unexpired term ending in May 2024; and

WHEREAS, upon the consideration of the returns of the Special Election, it is hereby found and determined that the same was held in accordance with the authorized proceedings and was in all respects legally held after due notice had been given, and the returns duly and legally made, along with other instruments; and

WHEREAS, the official returns, including returns of early voting ballots cast, of the presiding judges of the Special Elections have been presented and delivered; and the City Council acting in capacity as the Canvassing Board, met on March 6, 2023, and duly canvassed such returns in accordance with the law; and

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

SECTION 1. INCORPORATION OF PREAMBLE. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and are adopted by the City Council as part of its legislative findings.

SECTION 2. ELECTION PROPERLY ORDERED AND HELD. The City Council, having canvassed the returns of said Special Elections and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made as presented herein.

**SECTION 3. CONFIRMATION OF VOTE TABULATION.** The City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at the Special Elections, and that the canvass of the votes cast in said Special Elections and returns thereof were made in accordance with the law. Further, the City Council officially finds that the returns of the Special Election, including the returns of the early voting ballots, duly and legally made, are as follows and has determined that the candidate for Council Member for Ward D has received the following votes:

<b>Name of Candidate</b>	<b>Absentee Votes</b>	<b>Total Number of Early Votes</b>	<b>Total Number of Votes Received on Election Day</b>	<b>Total Number of Votes Received</b>
<b>Karla Clark</b>	<b>0</b>	<b>33</b>	<b>18</b>	<b>51</b>
<b>Winston Rossow</b>	<b>0</b>	<b>37</b>	<b>25</b>	<b>62</b>
<b>Ron Bachman</b>	<b>0</b>	<b>28</b>	<b>2</b>	<b>30</b>

**SECTION 4. CANVASS.** The City Council, acting as the canvassing board of the Special Election for Ward D on the City Council, has verified that figures on the tally sheets above correspond to the figures on the returns and at the Special Election held on February 25, 2023.

**SECTION 5. RUNOFF ELECTION ORDERED.** No one person received a majority of the votes cast at the Special Election for the Council Member Ward D. In accordance with Section 2.023(a) of the Texas Election Code, the City Council hereby calls a Runoff Election to be held in the City on December 13, 2022, for Mayor between the following candidates:

Karla Clark  
Winston Rossow

**SECTION 6. ELECTION DAY VOTING FOR RUNOFF ELECTION.** Election Day voting by personal appearance shall be at the Freeport Library, 410 Brazosport Blvd., Freeport, Texas 77541, on April 1, 2023, from 7:00 a.m. to 7:00 p.m.

**SECTION 7. EARLY VOTING FOR RUNOFF ELECTION.** Early voting shall be available at the Freeport Library, 410 Brazosport Blvd., Freeport, Texas 77541. Early voting shall begin on March 20, 2023, and end on March 28, 2023, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following location, from Monday, March 20, 2023, through Friday March 24, 2023, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, March 25, 2023. And between the hours of 7:00 AM and 7:00 PM on Monday March 27, 2023 and Tuesday March 28, 2023

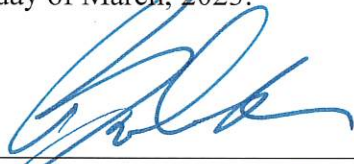
**SECTION 8. ELECTION OFFICERS.** The election officers for the polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with the Brazoria County Elections Administrator for the Runoff Election.

SECTION 9. NOTICE OF RUNOFF ELECTION. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of the Runoff Election.

SECTION 10. GOVERNING LAW. The Runoff Election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters in Ward D of the City shall be eligible to vote in the Runoff Election. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the elections, whether or not expressly authorized herein.

SECTION 11. EFFECTIVE DATE. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this 6<sup>th</sup> day of March, 2023.



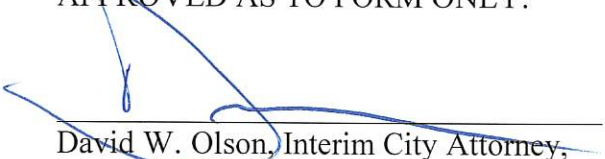
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Brooks Bass, Mayor,  
City of Freeport, Texas

ATTEST:



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Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



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David W. Olson, Interim City Attorney,  
City of Freeport, Texas