The City of Liberty

City Council

Special Called Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, May 16, 2023 | **5:00 PM** | **City Council Chambers**

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

A.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett				
Mayor Pro Tem Diane Driggers				
Council Member Dennis Beasley				
Council Member Libby Simonson				
Council Member Chipper Smith				
Council Member Tommy Brents				
Council Member Ed Seymour				

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. REGULAR AGENDA

A. Regular Session

1. **AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 6, 2023; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**

2. Oath of Office to be administered to Council Members.

3. Council to elect a Mayor Pro Tem

IV. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 12th day of May, 2023 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

April Gilliland

April Gilliland, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, _____.

CITY OF LIBERTY

City Council
Agenda Item Form

Meeting Date: May 16, 2023

Agenda Wording: AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 6, 2023; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Department: Administration

Subject: General Election

Background: The City of Liberty holds a General Election on the First Saturday of May each year. In even number years the election is held for the Mayor and three Council Members and in odd number years the election is held for three Council Members. The election is held in the manner required by the Texas Election Code and the Charter of the City of Liberty.

Funding Source: General Fund

Staff Recommendation:

Ordinance

AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 6, 2023; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, there was held in the City of Liberty, Texas on the 6th day of May, 2023, a General Election duly ordered by the City Council for the purpose of electing three Council Members, as shown in the official returns heretofore; and

Whereas, public notice of the City's Municipal Election was duly given; that said election was held in the manner required by the Texas Election Code and the Charter of the City of Liberty, and that due returns of said election have been made by the proper office; and

Whereas, it is found that the persons named herein received the following votes for said election:

General Election
COUNCIL MEMBERS

Name of Candidate	Number of Votes Received
Libby Simonson	177
John Hebert Jr.	309
Dennis Beasley	152
Patti Barrow	148

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

Section 1. It is found and determined that the results of the General Election as canvassed and tabulated reflect the expressed desires of those persons voting at said election.

Section 2. That the following named candidates were duly elected at said general election to the Liberty City Council:

Council Member Libby Simonson
Council Member John Hebert Jr.
Council Member Dennis Beasley

Section 3. It is hereby declared the City of Liberty approves and accepts the results of the General Election for the Mayor and Council Members, as set forth in the Election Returns Sheet attached herein as "Exhibit A".

Section 4. That if any section, subsection, sentence, clause, or phrase of this ordinance should for any reason be held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various

portions and provisions of this ordinance are declared to be severable; and the City Council of the City of Liberty, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of public business to be considered at such a meeting was given.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 16th day of May, 2023.

_____
Mayor
City of Liberty, Texas

ATTEST:

_____
City Secretary
City of Liberty, Texas

OFFICIAL CANVASS OF ELECTION RESULTS
CITY OF LIBERTY
GENERAL ELECTION

May 6, 2023

COUNCILMEMBER CANDIDATES	EARLY VOTING TOTAL	ELECTION DAY TOTAL	GRAND TOTAL
Libby Simonson	131	46	**177**
John Hebert Jr.	237	72	**309**
Dennis Beasley	113	39	**152**
Patti Barrow	99	49	**148**

CITY OF LIBERTY COUNCIL MEMBER - Vote for none, one, two or three

Precinct	LIBBY SIMONSON	JOHN HEBERT JR.	DENNIS BEASLEY	PATTI BARROW	Cast Votes	Undervotes	Overvotes	Unresolved write-in votes	Absentee Voting Ballots Cast	Early Voting Ballots Cast	Election Day Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
3 - BS 15	9	24	10	3	46	32	0	0	2	22	2	26	0	0.00%
3 - BS 27	2	13	6	6	27	24	0	0	3	10	4	17	0	0.00%
6 - BS 27	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00%
11 - BS 27	0	2	1	1	4	2	0	0	0	2	0	2	0	0.00%
18 - BS 27	3	7	7	8	25	20	0	0	0	11	4	15	0	0.00%
19 - BS 27	163	263	128	130	684	312	0	0	26	212	91	329	0	0.00%
30 - BS 27	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00%
Totals	**177**	**309**	**152**	**148**	**786**	**390**	**0**	**0**	**31**	**257**	**101**	**389**	**0**	**0.00%**

LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO. 10 PROPOSITION F

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		0	0.00%	1	100.00%	0	0.00%	1	100.00%
AGAINST		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Cast Votes:		0	0.00%	1	100.00%	0	0.00%	1	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

CITY OF LIBERTY COUNCIL MEMBER - Vote for none, one, two or three

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
LIBBY SIMONSON		14	23.73%	117	22.46%	46	22.33%	177	22.52%
JOHN HEBERT JR.		26	44.07%	211	40.50%	72	34.95%	309	39.31%
DENNIS BEASLEY		10	16.95%	103	19.77%	39	18.93%	152	19.34%
PATTI BARROW		9	15.25%	90	17.27%	49	23.79%	148	18.83%
Cast Votes:		59	100.00%	521	100.00%	206	100.00%	786	100.00%
Undervotes:		40		253		97		390	
Overvotes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

CITY OF AMES Mayor - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Barbara L. Domain		8	66.67%	21	38.18%	41	62.12%	70	52.63%
Cornelius Gilmore		4	33.33%	34	61.82%	25	37.88%	63	47.37%
Cast Votes:		12	100.00%	55	100.00%	66	100.00%	133	100.00%
Undervotes:		1		0		0		1	
Overvotes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

CITY OF AMES City Council, Position 3 - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Eddie White		10	83.33%	32	58.18%	27	41.54%	69	52.27%
Rudy Cole		2	16.67%	23	41.82%	38	58.46%	63	47.73%
Cast Votes:		12	100.00%	55	100.00%	65	100.00%	132	100.00%
Undervotes:		1		0		1		2	
Overvotes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Election Reconciliation - Official Totals

County: Liberty

Election Name: City and School

Registered Voters: 40,091

Election Date: May 6, 2023

1. Voters
(from election rosters and lists)

A. Early voting in person voters	1479
B. Election day in person voters	842
C. Mail ballot voters	174
D. Provisional ballots submitted	11
E. Total voters (A+B+C+D)	2506

2. Rejected ballots

F. Mail ballots rejected	3
G. Provisional ballots rejected	4
H. Total ballots rejected (F+G)	7

3. Counted ballots
(from tabulation software)

I. Early voting ballots counted	1479
J. Election day ballots counted	842
K. Mail ballots counted	171
L. Provisional ballots counted	7
M. Total ballots counted (I+J+K+L)	2499

4. Comparison of voters and counted ballots

N. Difference between voters and ballots (E-H-M): 0

O. Difference as percentage of voters (N÷(E-H)*100): 0 %

P. Explanation for difference, if any:

5. Attestation

Q. "I certify that the information contained in this document accurately reflects the official reconciliation of votes and voters from the above stated election"

Presiding judge signature: Hope Cross

Print name: Hope Cross

Date: May 12, 2023

6. Mail ballots

R. Mail ballots sent	269
S. Mail ballots not returned by voter	95
T. Mail ballots surrendered	0

7. Provisional ballots

U. Provisional ballots deemed incomplete	0

CITY OF LIBERTY

City Council
Agenda Item Form

Meeting Date: May 16, 2023

Agenda Wording: Oath of Office to be administered to Council Members.

Department: Administration

Subject: Oath of Office

Background: The Texas Constitution prescribes that an elected officer must sign a Statement of Elected Officer and take an oral oath prior to performing official duties. After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass Sec. 67.016, Election Code. This also means that a statement of elected officer (also referred to as the pre-oath statement) must be completed before the new officer can be sworn in. The statement should be maintained locally; it is no longer required to be filed with the Secretary of State's office.

Funding Source:

Staff Recommendation:

CITY OF LIBERTY

City Council
Agenda Item Form

Meeting Date: May 16, 2023

Agenda Wording: Council to elect a Mayor Pro Tem

Department: Administration

Subject: Election of a Mayor Pro Tem

Background: The City of Liberty's Home Rule Charter Section 3.04 states "The City Council, at its first meeting after the election of councilmen, shall elect one (1) of its members mayor pro tem, and they shall perform all duties of the mayor in the absence or disability of the mayor."

Funding Source:

Staff Recommendation: