



**FARMERSVILLE CITY COUNCIL  
EMERGENCY MEETING  
TO CANVASS THE GENERAL AND SPECIAL ELECTION  
May 17, 2023, 9:00 A.M.  
Council Chambers, City Hall  
205 S. Main Street**

**EMERGENCY CITY COUNCIL MEETING TO ADDRESS AN URGENT PUBLIC NECESSITY TO CANVASS THE ELECTION RESULTS OF THE MAY 6, 2023, GENERAL ELECTION AND SPECIAL ELECTION WITHIN 11 DAYS OF THE ELECTION AS REQUIRED BY TEXAS ELECTION CODE § 67.003 DUE TO THE UNAVAILABILITY OF THE FINAL ELECTION RESULTS FOR THE ORIGINALLY SCHEDULED MAY 15, 2023, CANVASS MEETING GIVEN THAT THE DELAY IN RECEIPT OF THE ELECTION RESULTS WAS BEYOND THE CITY'S CONTROL AND LESS THAN SEVENTY-TWO HOURS REMAIN PRIOR TO PASSAGE OF ELEVEN DAYS**

**I. PRELIMINARY MATTERS**

- Call to Order and Roll Call

**II. REGULAR AGENDA**

- A. Consider, discuss, and act upon Resolution #R-2023-0517-001 regarding canvassing returns and declaring the results of the May 06, 2023, City of Farmersville General and Special Elections.

**III. ADJOURNMENT**

**Dated this the 15<sup>th</sup> day of May 2023.**

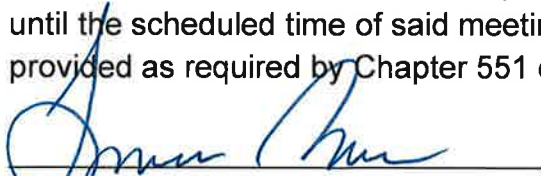
**Bryon Wiebold, Mayor**

*The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advise necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government code Section 551.071(a) ("Consultation with Attorney, Closed Meeting").*



*Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.*

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted May 15, 2023 by 5:00 P.M. and remained so posted continuously until the scheduled time of said meeting and that notice of an emergency meeting was provided as required by Chapter 551 of the Texas Government Code.



Tabatha Monk  
City Secretary





**CITY OF FARMERSVILLE  
RESOLUTION # R-2023-0517-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, CANVASSING THE FINAL RETURN SHEETS PROVIDED BY THE ELECTIONS ADMINISTRATOR OF COLLIN COUNTY AND DECLARING THE RESULTS OF AND CERTIFYING THE ELECTION RESULTS OF THE MAY 6, 2023, GENERAL ELECTION FOR COUNCILMEMBER PLACE 1, AND COUNCILMEMBER PLACE 3; AND CANVASSING AND CERTIFYING THE ELECTION RESULTS OF THE MAY 6, 2023, SPECIAL ELECTION REGARDING TWO BALLOT PROPOSITIONS CONTINGENT UPON THE APPROVAL OF EACH, BEING BALLOT PROPOSITION NO. 1 REGARDING THE CREATION OF A MUNICIPAL DEVELOPMENT DISTRICT WITHIN THE CITY'S CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION, AND BEING BALLOT PROPOSITION NO. 2 REGARDING THE REPEAL AND TERMINATION OF THE TYPE B ECONOMIC DEVELOPMENT SALES TAX WITHIN THE CITY'S CORPORATE LIMITS; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 2023-0214-002 of the City of Farmersville, Texas, adopted on February 14, 2023, a General Election was ordered for May 6, 2023, for the purpose of electing the following officials for the City of Farmersville ("City"): Councilmember Place 1; and, Councilmember Place 3; and

**WHEREAS**, pursuant to Ordinance No. 2023-0214-003 of the City of Farmersville, Texas, adopted on February 14, 2023, a Special Election was ordered for May 6, 2023, for the purpose of voting on whether to create a Municipal Development District within the City's corporate limits and extraterritorial jurisdiction and impose a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the District contingent upon the eligible voters of the City of Farmersville, Texas, approving a ballot proposition authorizing the repeal and termination of the Type B economic development sales tax, at the rate of one-half of one percent, authorized by Chapter 505 of the Texas Local Government Code; and

**WHEREAS**, pursuant to Ordinance No. 2023-0214-004 of the City of Farmersville, Texas, adopted on February 14, 2023, a Special Election was ordered for May 6, 2023, for the purpose of voting on whether to repeal and terminate the Type B economic development sales tax, at the rate of one-half of one percent, authorized by Chapter 505 of the Texas Local Government Code contingent upon the eligible voters of the City of Farmersville, Texas, and the extraterritorial jurisdiction of the City of Farmersville, Texas, approving a ballot proposition authorizing the creation of a Municipal Development District and the imposition of a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the District; and



**WHEREAS**, the City entered into an interlocal agreement with Collin County, Texas to authorize the Elections Administrator of Collin County, Texas to accept responsibility for and administer the General and Special Elections for the City; and

**WHEREAS**, on May 6, 2023, said General Election and Special Election were held with the solemnities and formalities necessary to make it a valid election, all notices having been posted in the manner and for the length of time required by law; and

**WHEREAS**, only duly qualified resident voters of the City of Farmersville, Texas, voted at the General Election called and held on May 6, 2023; and

**WHEREAS**, the City duly noticed the Canvass of the Election Results, in strict compliance with the Texas Open Meetings Act, for 9:00 a.m. on May 15, 2023, based on the preliminary results received by the City and communications indicating the final results would be ready for said meeting; and

**WHEREAS**, the preliminary results of the said General Election and Special Election were used to prepare the initial draft of the resolution canvassing the election, and such preliminary results did not account for the provisional ballots that were cast rendering the preliminary results as not being full, final and correct; and

**WHEREAS**, the official returns, including returns of early voting ballots cast and both ballots by mail and provisional ballots, of the presiding judges of the General Election and Special Election from Bruce Sherbet, Collin County Elections Administrator, were delayed in their delivery to the City, and were not received prior to the 9:00 a.m. meeting on May 15, 2023, being adjourned; and

**WHEREAS**, the official returns, including returns of early voting ballots cast and both ballots by mail and provisional ballots, of the presiding judges of the General Election and Special Election have been presented and delivered to Bruce Sherbet, Collin County Elections Administrator, and the results of said election have now been certified and returned to the City by the proper authority as reflected in Exhibit A attached hereto and incorporated herein by reference for all purposes allowed by law; and

**WHEREAS**, Texas Election Code § 67.003 requires that local elections be canvassed not later than the 11th day after election day; and

**WHEREAS**, the City provided notice of an emergency meeting in accordance with the Texas Open Meetings Act, Texas Government Code § 551.045, to facilitate the City's compliance with the canvassing requirements of Texas Election Code § 67.003 as an urgent public necessity given that the delay in transmission of the election results were beyond the City's control and state law requires canvassing within eleven days of the election; and





**WHEREAS**, the election returns of the General Election, duly and legally made, showed that there were cast at said election a total of 280 valid and legal votes, of which 183 votes were cast early, 95 votes were cast on election day, 2 ballots were cast by mail and 0 provisional ballots were cast, and that each candidate for the office of Councilmember Place 1 received the following votes:

Name of Candidate	Election Day	Early Voting	Ballots By Mail	Provisional Ballots	Total Votes	Total Percentage
Mary Berry	10	16	0	0	26	10.32%
Coleman Strickland	62	130	2	0	194	76.98%
Richard Repp	6	26	0	0	32	12.70%

**WHEREAS**, the election returns of the General Election, duly and legally made, showed that there were cast at said election a total of 280 valid and legal votes, of which 183 votes were cast early, 95 votes were cast on election day, 2 ballots were cast by mail and 0 provisional ballots were cast, and that each candidate for the office of Councilmember Place 3 received the following votes:

Name of Candidate	Election Day	Early Voting	Ballots By Mail	Provisional Ballots	Total Votes	Total Percentage
Ted Wagner	47	96	2	0	145	100.00%

**WHEREAS**, the election returns of the Special Election for Ballot Proposition No. 1, duly and legally made, showed that there were cast at said election a total of 1,095 valid and legal votes, of which 705 votes were cast early, 308 votes were cast on election day, 5 ballots were cast by mail, and 77 provisional ballots were cast, and that the ballot proposition on whether to create a Municipal Development District within the City's corporate limits and extraterritorial jurisdiction and impose a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the District received the following votes:

Creation of the Municipal Development District	Election Day	Early Voting	Ballots By Mail	Provisional Ballots	Total Votes	Total Percentage
For	38	92	1	0	131	12.08%
Against	267	606	4	76	953	87.92%

**WHEREAS**, the election returns of the Special Election for Ballot Proposition No. 2, duly and legally made, showed that there were cast at said election a total of 280 valid and legal votes, of which 183 votes were cast early, 95 votes were cast on election day, 2 ballots were cast by mail, and 0 provisional ballots were cast, and that the ballot proposition on whether to repeal and terminate the Type B economic development sales



tax, at the rate of one-half of one percent, authorized by Chapter 505 of the Texas Local Government Code, received the following votes:

Repeal and Termination of the Type B Economic Development Sales Tax	Election Day	Early Voting	Ballots By Mail	Provisional Ballots	Total Votes	Total Percentage
For	35	75	2	0	112	41.48%
Against	57	101	0	0	158	58.52%

**WHEREAS**, Texas Election Code § 67.003, as amended, generally provides that each local canvassing authority shall convene not later than the eleventh (11th) day after the May election date for the purpose of canvassing the election results; and

**WHEREAS**, Texas Election Code § 67.004(a), as amended, establishes the quorum level prescribed to canvass election results; and

**WHEREAS**, a quorum under Texas Election Code § 67.004(a) of the City Council met on May 17, 2023, and duly canvassed the election returns of the above-mentioned General Election and Special Election as certified by Bruce Sherbet, Collin County Elections Administrator, and attached hereto as Exhibit A.

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

**Section 1. FINDINGS INCORPORATED**

All of the above premises are found to be true and correct factual and legislative determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Section 2. EXPRESSION OF ELECTORS**

The City Council of Farmersville, Texas, officially finds and determines that the results of the election as expressed and set out in the preamble reflect the expressed desires of the resident qualified electors of the City, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as Exhibit A, were made in accordance with the law and such Canvass of the General and Special Election prepared and certified by Bruce Sherbet, Elections Administrator of Collin County, Texas is hereby approved and adopted by the City Council of the City of Farmersville, Texas, as the official Canvass of the May 6, 2023, General and Special Elections. All other Resolutions in conflict herewith specifically including Resolution # R-2023-0515-001 are hereby repealed.



**Section 3. SPECIAL ELECTION RESULTS, BALLOT PROPOSITION NO. 1**

Pursuant to the applicable provisions of the Texas Local Government Code, and Texas Election Code, the City Council of the City of Farmersville, Texas, officially finds and determines and declares the results of the Special Election, Ballot Proposition No. 1 regarding whether to create a Municipal Development District within the City's corporate limits and extraterritorial jurisdiction and impose a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the District to be:

The City of Farmersville, Texas, Special Election, Ballot Proposition No. 1 regarding the creation of a Municipal Development District is hereby disapproved by majority vote of the voters.

**Section 4. SPECIAL ELECTION RESULTS, BALLOT PROPOSITION NO. 2**

Pursuant to the applicable provisions of the Texas Local Government Code, and Texas Election Code, the City Council of the City of Farmersville, Texas, officially finds and determines and declares the results of the Special Election, Ballot Proposition No. 2 regarding whether to repeal and terminate the Type B economic development sales tax, at the rate of one-half of one percent, authorized by Chapter 505 of the Texas Local Government Code to be:

The City of Farmersville, Texas, Special Election, Ballot Proposition No. 2 regarding the repeal and termination of the Type B economic development sales tax is hereby disapproved by majority vote of the voters.

**Section 5. GENERAL ELECTION RESULTS**

Pursuant to the applicable provisions of the Texas Local Government Code, and Texas Election Code, the City Council of the City of Farmersville, Texas, officially finds and determines and declares the results of the General Election for the purpose of electing Councilmember Place 1, and Councilmember Place 3 to be that:

- (a) Coleman Strickland is hereby elected City Councilmember Place 1 by majority vote of the voters; and
- (c) Ted Wagner is hereby elected City Councilmember Place 3 by majority vote of the voters.

**Section 6. MAYOR TO DELIVER CERTIFICATES OF ELECTION TO SUCCESSFUL CANDIDATES**

The Mayor is hereby authorized and directed to execute and deliver Certificates of Election to the successful candidates elected at the General Election, as specified in Section 5 of this Ordinance.



**Section 7. MAYOR TO DELIVER CANVASS OF THE GENERAL AND SPECIAL ELECTION**

The Mayor is hereby authorized and directed to deliver the Order regarding the City Council's canvass of the General Election and Special Election, attached hereto as Exhibit A, in accordance with the election laws of the State of Texas, and to take all other action necessary in connection therewith.

**Section 8. PUBLICATION**

A copy of the caption of this Resolution shall be published one time in accordance with applicable law.

**Section 9. EFFECTIVE DATE**

This Resolution shall take effect from an after its date of passage in accordance with law, and it is so ordained.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Farmersville, Texas, on this the 17<sup>th</sup> day of May 2023.

APPROVED:

\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

\_\_\_\_\_  
Tabatha Monk, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan D. Lathrom, City Attorney





**EXHIBIT A**

*Canvass of the City of Farmersville General and Special Election*

*(Consisting of the following three pages.)*



STATE OF TEXAS

§

**CANVASS OF THE  
CITY OF FARMERSVILLE  
GENERAL AND SPECIAL  
ELECTION**

COUNTY OF COLLIN

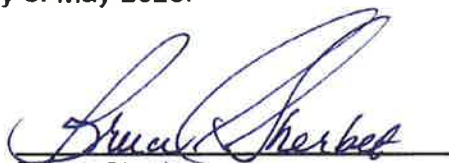
§

**MAY 6, 2023**

I, Bruce Sherbet, the undersigned Elections Administrator of Collin County, do hereby certify that I have made an actual check and comparison of all the ballots tabulated as voted with the Return Sheets, and the unused ballots as recorded on the Register of Official Ballots. I, therefore, make the following report of my findings from the May 6, 2023 City of Farmersville General and Special Election that was held in Collin County, Texas.

I hereby certify the results to be a full, true and correct tabulation, audit and count of the votes cast in the said election.

WITNESS, my hand on this the 15th day of May 2023.

  
Bruce Sherbet  
Elections Administrator  
Collin County



Summary Results Report  
Joint General and Special Election  
May 6, 2023

FINAL RESULTS  
CITY OF FARMERSVILLE  
COLLIN COUNTY

**Statistics**

	TOTAL	Election Day	Early Voting	Ballots By Mail	Provision al
Registered Voters - Total	689,552				
Ballots Cast - Total	81,936	26,407	54,298	1,138	93
Voter Turnout - Total	11.88%				



Summary Results Report  
 Joint General and Special Election  
 May 6, 2023

FINAL RESULTS  
 CITY OF FARMERSVILLE  
 COLLIN COUNTY

**Councilmember, Place 1 – City of Farmersville**

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballots By Mail	Provisional
Mary Berry	26	10.32%	10	16	0	0
Coleman Strickland	194	76.98%	62	130	2	0
Richard Repp	32	12.70%	6	26	0	0
Total Votes Cast	252	100.00%	78	172	2	0
Overvotes	0		0	0	0	0
Undervotes	28		17	11	0	0
Contest Totals	280		95	183	2	0

**Councilmember, Place 3 – City of Farmersville**

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballots By Mail	Provisional
Ted Wagner	145	100.00%	47	96	2	0
Total Votes Cast	145	100.00%	47	96	2	0
Overvotes	0		0	0	0	0
Undervotes	135		48	87	0	0
Contest Totals	280		95	183	2	0

**Proposition No. 1 – City of Farmersville**

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballots By Mail	Provisional
For	131	12.08%	38	92	1	0
Against	953	87.92%	267	606	4	76
Total Votes Cast	1,084	100.00%	305	698	5	76
Overvotes	0		0	0	0	0
Undervotes	11		3	7	0	1
Contest Totals	1,095		308	705	5	77

**Proposition No. 2 – City of Farmersville**

Vote For 1

	TOTAL	VOTE %	Election Day	Early Voting	Ballots By Mail	Provisional
For	112	41.48%	35	75	2	0
Against	158	58.52%	57	101	0	0
Total Votes Cast	270	100.00%	92	176	2	0
Overvotes	0		0	0	0	0
Undervotes	10		3	7	0	0
Contest Totals	280		95	183	2	0

