

**ORDINANCE NO. 2011-187**

**AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A PERSON TO SERVE AS MAYOR OF THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS, IN ACCORDANCE WITH SECTION 22.010 TEXAS LOCAL GOVERNMENT CODE.**

**WHEREAS**, pursuant to City of Wallis, Texas, Ordinance No. 186, passed, approved, and adopted on APRIL 20, 2011, a general municipal officers election was ordered to be held on May 14, 2011, for the purpose of electing three officials of the City, to wit: Mayor, and two Councilpersons at large; and

**WHEREAS**, the only candidate for Mayor, David Kennedy, died on MARCH 24, 2011, such date of death being after the second day before the filing deadline date such date of death being after the second day before the filing deadline date, and that pursuant to the Election Code, Section 145.096(a)(1), his name would appear on the ballot if an election were required; and

**WHEREAS**, under the circumstances, Subchapter C, Chapter 2, Texas Election Code, authorizes the City Council to declare the unopposed candidates elected to office and cancel the election;

**WHEREAS**, in accordance with Section 2.053(a), Election Code, the following unopposed candidates have been declared duly elected to the respective offices for issuance of a certificate of election following the date of the election in accordance with the Election Code:

**David Kennedy – Mayor (Deceased – Vacancy to be Filled)**

**Bernadette Parr – Council At Large**

**Franklin Rohan – Council At Large**

**WHEREAS**; the vacancy in the position of Mayor, occasioned by the death of David Kennedy, is required to be filled by City Council in accordance with Section 22.010 of the Texas Local Government Code by either appointment or by ordering a special election for such purposes; and

**WHEREAS**, a majority of the remaining members of City Council, excluding the Mayor (unless there is a tie vote), has determined to fill the vacancy by appointment, with any member of City Council being otherwise eligible to serve providing notice noting that he/she shall not be voting for his/her own appointment as provided under Section 22.10: and

**WHEREAS**, as provided by law the person so appointed must be a registered voter; must have resided with the municipal limits for at least the 12 months preceding the election day; and shall serve until the next regular municipal election;

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

**Section 1.** The City Council of the City of Wallis finds and determines that the findings of fact as herein set out are true and correct and adopted herein.

**Section 2.** That CAROLYN KENNEDY is appointed to fill the vacancy of Mayor on the City Council of the City of Wallis, to serve until the next regular municipal election.

**PASSED AND APPROVED** on this first and final reading in full compliance with the legal requirements applicable to the City of Wallis on this, the 18TH day of MAY, 2011.

  
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Tony Salazar, Mayor

ATTEST:

  
  
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D. J. Sommers, City Secretary