

ORDINANCE NO. 186

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 14, 2011 GENERAL CITY ELECTION, ELECTED TO OFFICE FOR CITY COUNCIL ELECTED; DETERMINING A VACANCY TO EXIST FOR THE POSITION OF MAYOR DUE TO DEATH OF CANDIDATE; CANCELING THE ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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, pursuant to said Ordinance No. 186 and Sections 143.007 and 146.054 of the Texas Election Code ("Election Code"), the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City's municipal officers election has expired; and

WHEREAS, it has been determined that 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, 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 candidates elected to office and cancel the election; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. In accordance with Section 2.053(a), Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certificate of election following the date the election was to have been held and canvassed in accordance with the Election Code:

**David Kennedy – Mayor (Deceased – Vacancy to be Filled)
Bernadette Parr – Council At Large
Franklin Rohan – Council At Large**

Section 3. The May 14, 2011 general city election is cancelled, and the City Secretary is hereby directed to cause a copy of this ordinance to be posted on election day, same being May 14, 2011, at the polling places that would have been used in such election.

Section 4. The vacancy in the position of Mayor, occasioned by the death of David Kennedy shall 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.

Section 5. In the event any clause, phrase, provision, sentence, or part of this ordinance or the application of same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas, declares that 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, whether there by one or more parts.

Section 6. This Ordinance shall take effect upon its final passage, and it is so ordained.

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 20TH day of APRIL, 2011.



Tony Salazar, Mayor

ATTEST:



D. J. Sommers, City Secretary

**CERTIFICATION OF UNOPPOSED CANDIDATES
FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: *Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I, as City Secretary for the City of Wallis hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 14, 2011, no proposition is to appear on the ballot at the election, and no person has made a declaration of write in candidacy.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el Mayo 14, 2011.

List offices and names of candidates:
Lista de cargos y nombres de los candidates:

Office(s) Cargo(s)

Mayor
Councilman
Councilman

Candidate(s) Candidato(s)

David Kennedy (Deceased)
Bernadette Parr
Franklin Rohan

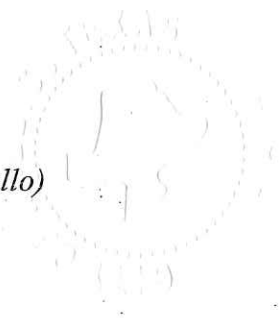
DJ Sommers
Signature (*Firma*)

DJ Sommers

City Secretary
Title (*Puesto*)

March 24, 2011
Date of signing (*Fecha de firma*)

(Seal) (*sello*)



CityHall

From: Steve Weathered [sweathered@rossbanks.com]

Sent: Thursday, March 31, 2011 1:18 PM

To: cityhall@wallistexas.org

Subject: Ord. Cancelling Election and Certificate of CS

Attorney/Client Privilege

DJ/Mayor:

In furtherance to our conversation yesterday, attached please find an Ordinance cancelling the election. I determined to address this first prior to the kennel ordinance under the circumstances. I decided to prepare a special ordinance due to the unusual circumstances of the death of the candidate for Mayor, and to set out the vacancy and how it will be filled. Additionally, while I used your form for the certificate, I did make some revisions and additions, so the Spanish translation may no longer be accurate. Note that the certificates of election cannot be effective/provided until the date the election canvass would be done (and is so noted in the Ord). Additionally, a copy of this Ord. is required to be posted at all designated polls for the election.

Please let me know if you have any questions or problems in proceeding.

Steven L Weathered

Ross, Banks, May, Cron, & Cavin P.C.

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