

CITY OF WILLOW PARK

ORDINANCE NO. 531-05

AN ORDINANCE CANCELING THE ELECTION FOR CERTAIN MUNICIPAL OFFICES OF THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; AND, NOTICE BY POSTING.

WHEREAS, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare of its citizens; and

WHEREAS, the City Council consists of a Mayor and five councilmembers elected according to a place system for staggered two year terms of office; the terms of office for Mayor Councilmember Place No. 1, and Councilmember Place No. 2 will expire in May 2005; and

WHEREAS, Chapter 1, "General Provisions," Article 1.300 "Municipal Election" of the Willow Park Municipal Code of Ordinances provides that "all elections pertaining to municipal affairs shall be governed by the election laws of the State of Texas." and,

WHEREAS, a general election for certain municipal officers of the City of Willow Park, was ordered for May 7, 2005 under provision of law and by Ordinance No. 529-05, adopted by the City Council of the City of Willow Park on February 15, 2005;

WHEREAS, the Mayor duly and legally signed an Order on the 15th day of February 2005, subsequent to the adoption of Ordinance 529-05, ordering the municipal election for the City of Willow Park and said order was posted as required by law at a place convenient to the public, the front door of the City Hall of the City of Willow Park on the 15th day of February 2005; and

WHEREAS, the City Secretary is responsible for having the official ballot prepared, as pursuant to § 52.002(3), TEX. ELECTION CODE and has certified in writing: (i) that each candidate whose name is to appear on the ballot for election to

municipal office of the City of Willow Park is unopposed; (ii) that no candidate has requested to be placed on a list of write in candidates for those offices; and (iii) no proposition is to appear on the ballot; and

WHEREAS, the certification in writing by the Secretary was delivered to the governing body of the City of Willow Park subsequent to the deadline for write in candidates pursuant to Section 146.054 TEX. ELECTION CODE;

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. UNOPPOSED STATUS

The City Secretary has certified in writing to the governing body of the City that the following candidates who applied for a place on the Willow Park ballot for the May 7, 2005 election are unopposed:

Mayor	James H. Poythress
Councilmember Place 1	LaDonna Allen
Councilmember Place 2	Terry Lee Skaggs

Further, the City Secretary has certified in writing, attached hereto as Exhibit A and incorporated herein, that only one candidate's name is to be placed on the ballot for each municipal office above described, no declaration of write-in candidacy has been filed with the City Secretary for a place on the ballot, and no proposition is to appear on the ballot.

SECTION 3. DECLARATION OF ELECTION

The following candidates, who were unopposed in the May 7, 2005 general election, are hereby declared elected to office, and shall be issued a certificate of election:

Mayor	James H. Poythress
Councilmember Place 1	LaDonna Allen
Councilmember Place 2	Terry Lee Skaggs

SECTION 4. CERTIFICATE OF ELECTION

A certificate of election shall be prepared and shall be issued to each candidate who was declared elected to office in SECTION 3 hereof, in the same manner as provided for a candidate elected at the election, but said certificates of election will not be issued until the date of the originally scheduled election.

SECTION 5. PUBLIC NOTICE

Copies of the order of Cancellation pursuant to § 2.053(b) of the TEX. ELECTION CODE shall be posted on election day at each polling place that would have been used in the election

SECTION 6. RECITALS

All of the above precatory statements are true and correct and incorporated herein for all purposes.

SECTION 7. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required herein.

PASSED AND ADOPTED this 29th day of March, 2005.

James H. Poythress

 Mayor

ATTEST:

Condie J. Scott

 City Secretary/Clerk

APPROVED AS TO FORM:

 City Attorney

The Willow Park City Council in acting on Ordinance No. 531-05, did on the 29th day of March 2005 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
LaDonna Allen, Place 1	<u>X</u>	_____
Terry Skaggs, Place 2	<u>X</u>	_____
Brad Johnson, Place 3	_____	_____
Jason Ellerbusch, Place 4	<u>X</u>	_____
Marvin Glasgow, Place 5	<u>X</u>	_____

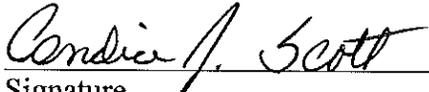
CERTIFICATE OF UNOPPOSED CANDIDATE STATUS

To: Presiding Officer of Governing Body

As the individual responsible for having the official ballot prepared, I hereby certify that the following candidates whose names were to appear on the ballot for election to municipal office on the May 7, 2005 election, are unopposed.

Mayor
Councilmember, Place 1
Councilmember, Place 2

James Poythress
LaDonna Allen
Terry Lee Skaggs


Signature

Candice J. Scott
City Secretary, City of Willow Park

March 29, 2005

EXHIBIT "A"

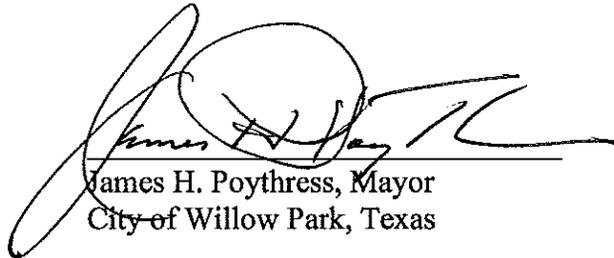
**ORDER OF CANCELATION OF THE MUNICIPAL ELECTION
FOR WILLOW PARK, TEXAS
to be held on May 7, 2005**

The City Council of the City of Willow Park, Texas, meeting in a posted legal session on Tuesday March 29, 2005, did adopt Ordinance No. 531-05 canceling the municipal election, previously ordered to be held on May 7, 2005, as provided for by § 2.053 TEX. ELECTION CODE. The City Council affirmatively found all legal requirements necessary for the cancellation of the election were present and legally certificated. The following candidates have been certified as unopposed and hereby elected to office:

Mayor	James Poythress
City Councilmember Place 1	LaDonna Allen
City Councilmember Place 2	Terry Lee Skaggs

A copy of this order will be posted on Election Day at each polling place that would have been used in the election on May 7, 2005.

Issued this the 29th day of March, 2005.



James H. Poythress, Mayor
City of Willow Park, Texas

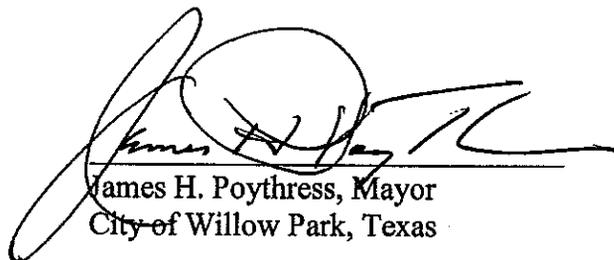
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Issued this the 29th day of March, 2005.



James H. Poythress, Mayor
City of Willow Park, Texas