

CITY OF WILLOW PARK

ORDINANCE NO. 596-09

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 council member Place No. 1, council member Place No. 2, and the Mayor will expire in May 2011; 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 9, 2009 under provision of law and by Ordinance No. 590-09, adopted by the City Council of the City of Willow Park on February 16, 2009;

WHEREAS, the Mayor duly and legally signed an Order on the 16th day of February 2009, subsequent to the adoption of Ordinance No. 590-09, 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 16th day of February 2009; 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 §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 9, 2009 election, are unopposed:

| | |
|------------------------|----------------------|
| Mayor | Kenneth Hawkins |
| Councilmember, Place 1 | Barry K. Tatum |
| Councilmember, Place 2 | Eugene (Gene) Martin |

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 9, 2009 general election, are hereby declared elected to office, and shall be issued a certificate of election:

| | |
|------------------------|----------------------|
| Mayor | Kenneth Hawkins |
| Councilmember, Place 1 | Barry K. Tatum |
| Councilmember, Place 2 | Eugene (Gene) Martin |

SECTION 4. CERTIFICATE OF ELECTION

A certificate of election shall be prepared and 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.

The Willow Park City Council in acting on Ordinance No. 596-09 did on the 20th day of April, 2009, vote as follows:

| | <u>FOR</u> | <u>AGAINST</u> |
|--------------------------|------------|----------------|
| Marvin Glasgow, Mayor | <u>✓</u> | _____ |
| Barry K. Tatum, Place 1 | <u>✓</u> | _____ |
| J. Teresa Welch, Place 2 | _____ | _____ |
| Barry Brown, Place 3 | <u>✓</u> | _____ |
| Kenneth Hawkins, Place 4 | <u>✓</u> | _____ |
| Hale Alderman, Place 5 | <u>✓</u> | _____ |

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 20th day of April, 2009.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

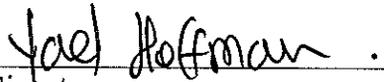
CERTIFICATE OF UNOPPOSED CANDIDATE STATUS

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 in the May 9, 2009 election, are unopposed; there are no write-in candidates for these offices; and no proposition is to appear on said ballot.

Mayor
Councilmember, Place 1
Councilmember, Place 2

Kenneth Hawkins
Barry K. Tatum
Eugene (Gene) Martin



Signature

Yael Hoffman
City Secretary, City of Willow Park, Texas

April 20, 2009