

CITY OF WILLOW PARK

ORDINANCE NO. 598-09

AN ORDINANCE PROVIDING FOR DECLARING THE RESULTS OF THE GENERAL ELECTION ORDERED FOR MAY 9, 2009 FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS FOR THE CITY OF WILLOW PARK: MAYOR AND COUNCIL MEMBERS: PLACE 1, AND PLACE 2; SAID MUNICIPAL ELECTION HAVING BEEN SUBSEQUENTLY CANCELED IN ACCORDANCE WITH LAW; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, TX (“City”) is a municipal corporation organized under the laws of the State of Texas; and

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

WHEREAS, the City Council consists of a Mayor and five council members elected according to a place system for staggered two year terms of office; the terms of office for Mayor, council member Place No. 1 and council member Place No. 2, will expire in May 2011; and

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

WHEREAS, the general election for certain municipal officers of the City was ordered to be held on May 9, 2009 pursuant to Ordinance 590-09 adopted on February 16, 2009; and

WHEREAS, the election so ordered for the City was ordered not later than 62 days before the election day pursuant to §3.005(a), TEX. ELECTION CODE; and,

WHEREAS, May 9, 2009 is the second Saturday in May, which is prescribed as a uniform election date under §41.001 TEX. ELECTION CODE; and

WHEREAS, the City did, on the 16th day of February, 2009 by Ordinance No. 590-09, order a general election to be held on May 9, 2009 for the purpose of electing a Mayor and Council Members for Place 1 and 2; and

WHEREAS, the City Council of Willow Park did adopt Ordinance No. 596-09 on April 20, 2009 canceling the May 9, 2009 municipal election based on the written certification by the City Secretary that (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. 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 3. 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.

SECTION 4. RECITALS

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

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 4. 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.

PASSED AND ADOPTED this 18th day of May, 2009.

/s/ Marvin Glasgow
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 598-09 did on the 18th day of May, 2009, vote as follows:

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