

ORDINANCE NO. #002-05

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, DECLARING CANDIDATES FOR AT LARGE COUNCIL MEMBERS PLACE 3, PLACE 4, AND PLACE 5 UNOPPOSED; DECLARING CANDIDATES FOR AT LARGE COUNCIL MEMBER PLACE 3, PLACE 4, AND PLACE 5 ELECTED; PROVIDING FOR THE CANCELLATION OF THE MAY 7, 2005, GENERAL ELECTION; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to City of De Leon, Texas, Ordinance No. 001-05, passed, approved, and adopted on February 10th, 2005, a general municipal officer's election was ordered to be held on May 7, 2005, for the purpose of electing at large council members for Place 3, Place 4 and Place 5; and

WHEREAS, pursuant to said Ordinance No. 001-05 and Sections 143.007 and 146.054 of the TEXAS 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, the City Secretary, in accordance with Section 2.052, TEXAS ELECTION CODE, has certified to the City Council in writing that Johnnye Howell is unopposed for election to the office of Council member Place 3; Danny Owen is unopposed for election to the office of Council member Place 4; and John Holdridge is unopposed for election to the office of Council member Place 5. A copy of the Certification of Unopposed Candidates labeled Exhibit A is attached hereto and made a part hereof; and

WHEREAS, the City Council hereby finds and determines that each candidate whose name is to appear on the ballot in said election is unopposed; and no proposition is to appear on the ballot for such election; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, 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, TEXAS ELECTION CODE, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certification of election following the date the election was to have been held in accordance with the Texas Election Code:

- Johnnye Howell- Council Member Place 3**
- Danny Owen- Council Member Place 4**
- John Holdridge- Council Member Place 5**

Section 3. Pursuant to Section 2.053(b), TEXAS ELECTION CODE, the general municipal officer's election heretofore called and ordered by the City of De Leon, Texas, Ordinance No. 001-05, for the 7th day of May, 2005, shall not be held and is hereby cancelled.


Section 4. The City Secretary is hereby directed to cause a copy of this ordinance to be posted on election day, May 7, 2005, at the polling places that would have been used in such election.

Section 5. In the event any cause, 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 De Leon, 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 be one or more parts.

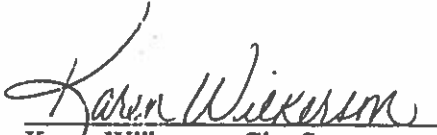
Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED on the first reading this the 24th day of March, 2005.

PASSED, APPROVED, AND ADOPTED on the second and final reading this the 14TH day of April, 2005.


Mayor, Jim Adams

ATTEST:


Karen Wilkerson, City Secretary