ORDINANCE NO. 2006-O-63

AN ORDINANCE OF THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR, AND TWO CITY COUNCILMEMBERS AS ELECTED; PROVIDING THAT THE MAY 13, 2006, REGULAR MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THERWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH TH ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; DECLARING AN EMERGENCY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City Council of the Village of Volente, Texas adopted Resolution No. 2006-R-33 on February 21, 2006 ordering a regular municipal election to be held on May 13, 2006, for the purpose of electing three officials of the Village, to wit: Mayor and two City Councilmember's; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the Village's regular municipal election have expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that Jan Yenawine is unopposed for election to the office of Mayor, Carey Witt and Justine Blackmore –Hlista are unopposed for election to the office of City Councilmember's; and

WHEREAS, the City Council hereby finds and determines that the candidates whose names are to appear on the ballot in said election are unopposed, there are no declared write-in candidates, and no propositions to appear on the ballot for said election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, THAT:

1.

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

2.

In accordance with Section 2.053(a), Texas 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 on which the regular municipal election for Mayor, City Councilmember's was to have been held.

Mayor – Jan Yenawine
City Councilmember – Carey Witt
City Councilmember _ Justine Blackmore-Hlista

3.

Pursuant to Section 2.053(b), Texas Election Code, the regular municipal election for Mayor, and two Councilmember positions called and ordered by Resolution No. 2006-R-33, for May 13, 2006, shall not be held and are hereby canceled.

4.

The City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 13, 2006, at all polling places that would have been used in such election.

5.

All ordinances or parts of ordinance in conflict with the provisions of this ordinance are herby repealed to the extent of such conflict.

6.

Should any section, paragraph, sentence, clause or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

7.

It is hereby found and determined that the meeting at which this ordinance was padded was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose was given.

8.

There exists a public emergency requiring that this ordinance be passed finally upon the date of its introduction and first reading in order to timely prepare the ballot for early voting and to meet posting requirements and other provisions contained in the Texas Election Code.

9.

This ordinance shall take effect immediately upon its first and only reading.

PRESENTED AND GIVEN first and only reading, passed and approved this 21st day of March, 2006 by a vote of ___5__ ayes and ___0___ nays at a regular meeting of the City Council of the Village of Volente, Texas.

Village of Volente

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, City Secretary