ORDINANCE NO. 2014-O-1

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE AMENDING ORDINANCE NO. 2013-O-04 ADDING SEC. 20.32; DEFINING HOW TO HOLD AN ELECTION VERSUS APPOINTMENT TO FILL A VACANCY ON THE VILLAGE OF VOLENTE CITY COUNCIL; PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES

WHEREAS, the Village of Volente finds that Section 20.32, " Election versus Appointment", provides a clear definition of when the City Council may fill a vacancy on the City Council either by election or by appointment; and

WHEREAS, the Village of Volente finds that the addition of this section provides clarity needed as to when a vacancy on the City Council of the Village of Volente may be filled by public election or by appointment by the Council; and

WHEREAS, this provision will prevent confusion in enforcing Article 20 of the Administrative Ordinance and promote the public health, safety, and general welfare of the citizens of the Village of Volente;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE THAT ORDINANCE NO. 2013 IS HEREBY AMENDED TO ADD SECTION 20.32 AS FOLLOWS:

1. SECTION 20.32 ELECTION VERSUS APPOINTMENT.
If an election must be held to comply with applicable state law regulating the holding of elections, then an election shall be held to fill the vacancy. If applicable state law does not require that an election to be held to fill a vacancy, then the City Council shall fill the vacant position by appointment.

2. SEVERABILITY: In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions had never formed a part of this Ordinance.

3. EFFECTIVE DATE: This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code.*

4. OPEN MEETINGS: It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

PASSED AND APPROVED on the 21rd day of January, 2014, by a vote of the Volente Village Council of 5 in favor to 0 opposed, with 0 abstentions.

Frederick Graber, MAYOR OF THE VILLAGE OF VOLENTE

ATTEST:

Joan Jackson, CITY SECRETARY