

ORDINANCE NO. O-2012-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, DECLARING THE UNOPPOSED CANDIDATE FOR THE OFFICE OF MAYOR, CITY COUNCIL MEMBER PLACE 4, AND CITY COUNCIL MEMBER PLACE 5 AS ELECTED; PROVIDING THAT THE MAY 12, 2012 GENERAL MUNICIPAL ELECTION FOR MAYOR, CITY COUNCIL PLACE 4, AND CITY COUNCIL PLACE 5 SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Magnolia, Texas ordered on February 14, 2012 that a general municipal election be held on May 12, 2012, for the purpose of electing three officials of the City including Mayor, City Council Member Place 4, and City Council Member Place 5; 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 City's general municipal election has expired; and

WHEREAS, The City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that **Todd Kana** is unopposed for election to the office of Mayor, **Joann Schermerhorn** is unopposed for election to the office of City Council Member Place 4, and **Patsy Williams** is unopposed for election to the office of City Council Member Place 5.

WHEREAS, The City Council hereby finds and determines that the candidate whose name is to appear on the ballot in said election for Mayor is unopposed, for City Council Member Place 4 is unopposed, and for City Council Member Place 5 is unopposed, and there are no declared write-in candidates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA:

Section 1. That 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(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall

be issued a certificate of election following the date on which the general municipal election for Mayor, City Council Member Place 4, and City Council Member Place 5 was to have been held:

Mayor – Todd Kana
City Council Member Place 4 – Joann Schermerhorn
City Council Member Place 5 – Patsy Williams

Section 3. Pursuant to Section 2.053(b), Texas Election Code, the general municipal election for heretofore called and ordered by the City Council for May 12, 2012 shall not be held and is hereby cancelled.

Section 4. The City Secretary is hereby directed to cause a copy of the Order of Cancellation to be posted on election day, same being May 12, 2012, at the polling place(s) that would have been used in such election.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. Should any section, paragraph, sentence, clause, phrase 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.

Section 7. It is hereby found and determined that the meeting at which this ordinance was passed 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 of said meeting was given.

Section 8. This ordinance shall take effect immediately upon its first and only reading.

PASSED AND APPROVED at a regular meeting of the City Council of Magnolia, Texas, on this the 27th day of March 2012.



Todd Kana, Mayor

ATTEST:


Lynne George, TRMC, CPM
City Secretary