

ORDINANCE NO. OR-1872-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND COUNCIL MEMBER, PLACE TWO (2) AS ELECTED; PROVIDING THAT THE MAY 11, 2013 GENERAL ELECTION IS CANCELED; THAT THE AGREEMENT WITH JOHNSON COUNTY FOR THE USE OF AN AUTOMARK VOTING MACHINE IS CANCELLED; THAT THE AGREEMENT TO CONDUCT A JOINT ELECTION WITH THE MANSFIELD ISD IS CANCELLED; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mansfield, Texas, adopted Resolution No. RE-2881-13 on February 25, 2013, ordering a Regular Election to be held on May 11, 2013, for the purpose of electing two officials of the City, to wit: Mayor and Council Member, Place Two (2); 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 Election have expired; and

WHEREAS, Section 2.053, Texas Election Code, authorizes the governing body of a political subdivision, by order or ordinance, to declare each unopposed candidate elected to office and cancel the election; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that David L. Cook is unopposed for election to the office of Mayor and Brent Newsom is unopposed for election to the office of Council Member, Place Two (2); and

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

WHEREAS, the City and MISD previously agreed to sign a joint election agreement holding both elections together and allowing the City to conduct the election that involve the voters in Johnson and Ellis Counties (City) and Johnson County (MISD), respectively; and

WHEREAS, the City previously entered into an agreement with Johnson County for the use of an AutoMark Voting Machine that will not be needed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

Pursuant to Section 2.053(b), Texas Election Code, the Regular Election for Mayor and Council Member, Place Two (2) called and ordered by Resolution No. RE-2881-13 for May 11, 2013, shall not be held and is hereby canceled.

SECTION 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 on May 11, 2013, the date which the General Election for Mayor and Council Member, Place Two (2) was to have been held:

Mayor – David L. Cook
Council Member, Place Two (2) – Brent Newsom

SECTION 3.

Pursuant to Article IV, Section 4.05, Mansfield Home Rule Charter, the candidate elect so named in Section 2 of this Ordinance and Order of Cancellation shall be administered the Oath of Office at Mansfield City Hall and may exercise the duties of office at the beginning of the first regular meeting of the Council after May 11, 2013, the date which the General Election for Mayor and Council Member, Place Two (2) was to have been held.

SECTION 4.

The City Council of the City of Mansfield hereby cancels the lease agreement with Johnson County for the use of an AutoMark Voting Machine.

SECTION 5.

The City Council of the City of Mansfield hereby cancels the joint election with the Mansfield Independent School District on May 11, 2013.

SECTION 6.

The City Secretary is hereby directed to cause a copy of this Ordinance and Order of Cancellation to be posted on Election Day, same being May 11, 2013, at all polling places that would have been used in such election.

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 advanced public notice of the time, place and purpose of said meeting was given.

SECTION 8.

The facts and matters set forth in the preamble of this Ordinance and Order of Cancellation are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.


SECTION 9.

This Ordinance shall take effect immediately upon passage.

FIRST READING APPROVED ON THIS 18TH DAY OF MARCH, 2013.

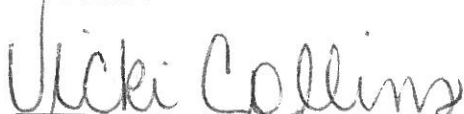
SECOND READING APPROVED ON THIS 25TH DAY OF MARCH, 2013.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THIS 8TH DAY OF APRIL, 2013.



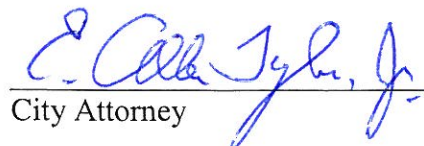
David L. Cook, Mayor

ATTEST:



Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY



City Attorney