

ORDINANCE NO. 23-104

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2023 GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a general city election was called for May 6, 2023, for the purpose of electing two (2) Councilmembers at large and Mayor; and

WHEREAS, the city secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, no qualified candidate submitted an application to run for any of the two (2) Councilmembers at large or Mayor, and that each candidate on the ballot is unopposed for election to office (Exhibit A); and

WHEREAS, under these circumstance, Title 1, Chapter 2, Section 2.051 *et seq.* of the Texas Election Code, authorizes the city council to declare the candidates' election to office and cancel the election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARRETT AS FOLLOWS:

SECTION 1. The following candidates, who are unopposed in the May 6, 2023 general city election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

<u>Candidate</u>	<u>Place</u>
Sheri Payne	At large
Jennifer Nunnery	At large
Matt Newsom	Mayor

SECTION 2. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 3. All ordinances, or parts thereof, that are in conflict or inconsistent with any provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. That it is hereby found and determined that the meeting at which this Ordinance was adopted was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Section 551 of the Texas Government Code.

SECTION 5. Pursuant to Section 2.053 of the Texas Election Code, that portion of the said May 6, 2023 regular municipal election as it relates to the three open seats on the Garrett City Council is hereby canceled and those said seats shall not be placed on the regular municipal election, which said cancellation shall not affect in any form other items, propositions or the like which may be already posted or will be posted for said May 6, 2023, regular municipal election and those two Council members and Mayor shall serve a term of two (2) years commencing May 6, 2023, until a successor is duly elected and qualified.

ADOPTED this 23rd day of April 2023 by the City Council of Garrett, Texas.

APPROVED:



Matthew Newsom, Mayor

ATTEST:



Judy Braddock, City Secretary

Exhibit A--Certificate of Unopposed Candidates

CITY OF GARRETT CERTIFICATION

State of Texas
County of Ellis

I, Judy Braddock, certify that I am the City Secretary of the City of Garrett and the authority responsible for preparing the ballot for the May 6, 2023, City election. I further certify:

- a. no person has made a declaration of write-in candidacy,
- b. a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted; and, therefore,
- c. all of the following candidates are unopposed:

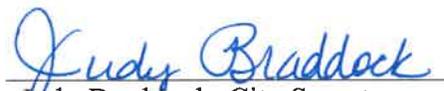
Candidate

Place

Sheri Payne
Jennifer Nunnery
Matt Newsom

At large
At large
Mayor

Dated this 24 day of March, 2023.



Judy Braddock, City Secretary
City of Garrett, Texas

(seal)

Exhibit A--CERTIFICATE