

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR ELECTION TO THE OFFICE OF MAYOR AND COUNCILMEMBER WARD 1 IN THE POSTPONED MAY 2, 2020 GENERAL ELECTION, TO BE HELD ON NOVEMBER 3, 2020, DULY ELECTED TO OFFICE; PROVIDING THAT SUCH CANDIDATES SHALL BE ISSUED A CERTIFICATE OF ELECTION IN THE SAME MANNER AND AT THE SAME TIME AS A CANDIDATE ELECTED AT THE ELECTION, AND THAT SUCH CANDIDATES MUST QUALIFY FOR OFFICE IN THE SAME MANNER AS A CANDIDATE ELECTED AT THE ELECTION; PROVIDING THAT THE NOVEMBER 3, 2020 GENERAL ELECTION SHALL NOT BE HELD FOR THESE OFFICES; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mineral Wells, Texas (the “City Council”) called a General Election (the “Election”) to be held in the City of Mineral Wells (the “City”) on May 2, 2020, for the purpose of electing a Mayor and Councilmember Ward 1, each for a two (2) year term and no proposition was included in the call; and

WHEREAS, pursuant to Sections 143.007(c), 146.054(b) and 201.054(a)(1) of the Texas Election Code, the deadlines for filing applications for a place on the ballot and declarations of write-in candidacy for the City’s Election have expired; and

WHEREAS, due to the COVID-19 pandemic, and pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, pursuant to the Governor’s proclamation authorizing the City of Mineral Wells to postpone the May 2, 2020 election date, the City Council adopted an Ordinance exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing a mayor, council member ward 1 and council member ward 2 to November 3, 2020; and

WHEREAS, in accordance with Section 2.052 of the Texas Election Code, the City Clerk (being the authority responsible for having the official ballot prepared) has certified in writing to the City Council that the candidates are unopposed for election to the office of Mayor and Councilmember Ward 1; and

WHEREAS, the City Council has received the said certification from the City Clerk (a true and correct copy of which is attached hereto as Exhibit “A”) and, pursuant to Section 2.053 of the

Texas Election Code, the City Council is authorized to declare, by ordinance, each unopposed candidate elected to their respective office; and

WHEREAS, pursuant to Section 2.051 *et seq.* of the Texas Election Code, the City Council may dispense with the necessity of holding the Election for these offices and may declare the results of the election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS:

SECTION 1: The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: That the certification of the City Clerk relating to the General Election of May 2, 2020, that was postponed to November 3, 2020, be hereby received and acknowledged by the City Council.

SECTION 3: That it is hereby found and determined that Regan Wallace Johnson for the office of Mayor and Jerrell Tomlin for Councilmember Ward 1, are the only candidates to have qualified for a place on the ballot of such election and no one has qualified for a list of write-in candidates pursuant to the requirements of the Texas Election Code. Additionally, the City Council finds that there are no propositions to be resolved. Therefore, the candidates are unopposed for the seats on the Mineral Wells City Council for which they have filed.

SECTION 4: That the City Election to be held on November 3, 2020 is hereby cancelled, with respect to these offices only, pursuant to the authority of Sec. 2.053 of the Texas Election Code, and the City Council does hereby declare the following individuals as duly elected to the following places on the Mineral Wells City Council:

Regan Wallace Johnson	Mayor
Jerrell Tomlin	Councilmember Ward 1

A certificate of election shall be issued to each of the said candidates following the time the election would have been canvassed had the election been held and in the same manner as a candidate elected at the election had the election been held. Each of the said candidates must qualify for office in the same manner as provided for a candidate elected at the election, following the time the election would have been canvassed had the election been held.

The election for Councilmember Ward 3 shall not be affected by this Ordinance.

SECTION 5: The City Clerk is directed to post a copy of the Election Cancellation Notice at each designated polling place on November 3, 2020.

SECTION 6: That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Section 551.041, Texas Government Code.

SECTION 7: It is declared to be the intent of the City Council that the phrases, clauses, sentences,

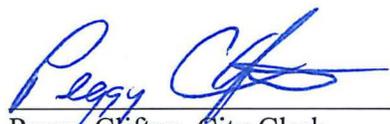
paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the City Council would have enacted them without the invalid portion.

SECTION 8: This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 9: This Ordinance shall take effect upon its final passage and approval by the City Council of the City of Mineral Wells, Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, SITUATED IN PALO PINTO AND PARKER COUNTIES, TEXAS, ON THIS THE 8TH DAY OF SEPTEMBER 2020.

ATTEST:



Peggy Clifton, City Clerk

APPROVED:



Tammy Underwood, Mayor





EXHIBIT "A"
CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS

To: Tammy Underwood, Mayor
Al: Tammy Underwood, Alcaldesa

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the rescheduled general election to be held on November 3, 2020.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 3 de noviembre, 2020.

<u>Office(s), Cargo(s)</u>	<u>Candidate(s), Candidato(s)</u>
Mayor – (alcaldesa)	Regan Wallace Johnson
City Councilmember Ward 1 – (concejal de ciudad distrito 1)	Jerrel Tomlin





Peggy Clifton
City Clerk
City of Mineral Wells

09/03/2020

Date