Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council

From: Curtis E. Hawk, City Manager

Date: March 19, 2013

Subject: Ordinance # 1244-13, Cancelling May 11, 2013 General Election & Declaring Each Unopposed Candidate Elected to Office

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City Council Action Requested:

Approve Ordinance 1244-13 Cancelling May 11, 2013 General Election & Declaring Each Unopposed Candidate Elected to Office

Background Information:

 Each candidate for the three Council seats for the May 11, 2013 General Election - Places 1, 3 and 5 - are unopposed.   Under Sections 2.052 and 2.053 of the Texas Election Code, since all three candidates on the ballot are unopposed in the place they are seeking and thus would be the only names on the ballot for which the votes for the office they are seeking may be counted, and the City Council by order or ordinance declares so, the election is not held and each unopposed candidate is therewith elected to office. The Election Code further provides that if no election is to be held on election day by the city, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election. The attached Ordinance No. 1244-13 if approved will cancel the election and declare Roland Goveas, Robert DeSoto, and Edward Lopez elected to City Council Place 1, City Council Place 3, and City Council Place 5, respectively.

The attached Order of Cancellation will be placed at the polling place, at City Hall, and on our web site.

Board/Citizen Input:

N/A

Financial Considerations:

Council approval to cancel the election will save approximately $5,600.

Staff Contacts:

Curtis E. Hawk, City Manager
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Attachments: Ordinance 1244-13
                        Order of Cancellation

ORDINANCE NO. <u>1244-13</u>

AN ORDINANCE CANCELLING THE MAY 11, 2013 GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Richland Hills, Texas 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, in accordance with law a general election has been ordered for May 11, 2013, for the purpose of electing City Council members to serve on the City Council of the City of Richland Hills; and

WHEREAS, no proposition is to appear on the ballot in that election; and

WHEREAS, the city secretary has certified in writing that each candidate on the ballot is unopposed for election to office, attached hereto as Exhibit "A"; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write in candidacy has passed; and

WHEREAS, in these circumstances Subchapter C of Chapter 2 of the Election Code authorizes a governing body to declare each unopposed candidate elected to office and to cancel the election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1.

The following candidates, who are unopposed in the May 11, 2013 general election are hereby declared elected to office, and shall be issued a certificate of election:

City Council Place 1	Roland Goveas
City Council Place 3	Robert DeSoto
City Council Place 5	Edward Lopez

SECTION 2.

The May 11, 2013 General Election is hereby cancelled.

SECTION 3.

The city secretary is directed to post a copy of this ordinance at each designated polling place on May 11, 2013.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

It is hereby declared to be the intention 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF _____, 2013.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The _____City of Richland Hills_____ hereby cancels the election scheduled to be held on
     (official name of governing body)

_____May 11, 2013_____ in accordance with Section 2.053(a) of the Texas (date
     on which election was scheduled to be held)

Election Code. The following candidates have been certified as unopposed and are hereby

elected as follows:

La _____Ciudad de Richland Hills___ por lo presente cancela la elección que, de lo contrario,
     (nombre oficial de la entidad gubernamental)

se hubiera celebrado el ____11 de mayo del 2013_____ en conformidad, con
     (fecha en que se hubiera celebrado la elección)

la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido

certificados como candidatos únicos y por lo presente quedan elegidos como se haya indicado a

continuación:

Candidate *(Candidato)*	Office Sought *(Cargo al que presenta candidatura)*
Roland Goveas	Council Member, Place One (1) *(Miembro del Consejo, Lugar Uno (1))*
Robert DeSoto	Council Member, Place Three (3) *(Miembro del Consejo, Lugar Tres (3))*
Edward Lopez	*Council Member, Place Five (5)* *(Miembro del Consejo, Lugar Cinco (5))*

A copy of this order will be posted on Election Day at each polling place that would have been

used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

_____ _____
Bill Agan (Mayor) *(Alcalde)*

_____
Linda Cantu, City Secretary *(Secretaria de la Ciudad)*

(seal) *(sello)*

_____
    (de _____ del 2013)
Date of adoption *(Fecha de adopción)*