ORDINANCE NO. 3143-3-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, CANCELING THE ELECTION SCHEDULED TO BE HELD MAY 11, 2013, FOR THE PURPOSE OF ELECTING THE CITY COUNCILMEMBER FOR PLACE NO. 4 AND 6; DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; ORDERING THE POSTING OF THIS ORDINANCE AT CITY HALL AND AT THE MUNICIPAL COURT AND PARKS ADMINISTRATION BUILDING POLLING PLACE ON ELECTION DAY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 3139-2-13(R), was adopted by the City Council on February 26, 2013, for the purpose of electing the City Councilmember for Place No. 4 and 6 to the Allen City Council; and,

WHEREAS, the election is for officers of the City in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which each candidate whose name is to appear on the ballot is unopposed, and no proposition is to appear on the ballot; and,

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

WHEREAS, the City Council has received the City Secretary's written certification that each candidate is unopposed for the election; and,

WHEREAS, in these circumstances, Section 2.053(a) of the Texas Election Code authorizes the governing body to declare each unopposed candidate elected to office and to cancel the election thereby avoiding the expenses related to holding an election and saving public funds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The general election for the purpose of electing the City Councilmember Place No. 4 and 6 previously called for May 11, 2013, is hereby canceled.

SECTION 2. The following candidates, who are unopposed for the May 11, 2013, General Election, are hereby declared elected to office and shall be issued a certificate-of-election:

Councilmember Place No. 4	Robin L. Sedlacek
Councilmember Place No. 6	Baine Brooks

SECTION 3. The City Secretary shall post a copy of this ordinance at City Hall and on Election Day shall post a copy of this ordinance at the polling place located at the Municipal Court and Parks Administration building, 301 Century Parkway, Allen, Texas.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect..

SECTION 5. This ordinance shall take effect immediately in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12TH DAY OF MARCH, 2013.

APPROVED:

/s/ Stephen Terrell, MAYOR

APPROVED AS TO FORM:

/s/ Peter G. Smith, CITY ATTORNEY

ATTEST:

/s/ Shelley B. George, TRMC, CITY SECRETARY