

CITY OF PENITAS
HIDALGO COUNTY
TEXAS

§
§
§

ORDINANCE NO. 2013- 003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PENITAS, TEXAS, CANCELLING THE MAY 11, 2013 GENERAL ELECTION AND DECLARING THE UNOPPOSED CANDIDATE FOR THE OFFICE OF CITY COMMISSION MEMBER PLACE 1 AND CITY COMMISSION MEMBER PLACE 3 AS ELECTED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; WAIVING SECOND AND THIRD READING AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of PENITAS, Texas ordered on 6th day February, 2013 that a general municipal election be held on May 11, 2013, for the purpose of electing two officials of the City including City Commission Member Place 1 and City Commission Member Place 3;

WHEREAS, pursuant to Sections 143.007 and 146.054 (as amended) 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 municipal election has expired;

WHEREAS, The City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Commission that Alejandro Guajardo is unopposed for election to the office of City Commission Member Place 1 and Tomas Cedillo is unopposed for election to the office of City Commission Member Place 3; and

WHEREAS, The City Commission hereby finds and determines that the candidate whose name is to appear on the ballot in said election for City Commission Member Place 1 is unopposed and for City Commission Member Place 3 is unopposed, and there are no declared write-in candidates.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PENITAS, TEXAS:

SECTION 1. That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the date on which the general municipal election for City Commission Member Place 1 and City Commission Member Place 3 was to have been held:

City Commission Member Place 1 Alejandro Guajardo

City Commission Member Place 3 Tomas Cedillo

SECTION 3. Pursuant to Section 2.053(b), Texas Election Code. the general municipal election for heretofore called and ordered by the City Commission for May 11, 2013 shall not be held and is hereby cancelled.

SECTION 4. The City Secretary is hereby directed to cause a copy of the Order of Cancellation to be posted on election day, same being May 11, 2013, at the polling place(s) that would have been used in such election.

SECTION 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

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


SECTION 8. This ordinance shall take effect immediately upon its first and only reading.

THAT ALL ORDINANCES, RESOLUTION OR PARTS OF ORDINANCES OR RESOLUTION IN CONFLICT HEREBY ARE REPEALED TO THE EXTENT OR SUCH CONFLICT.

READ, APPROVED, AND PASSED BY A VOTE of ___ ayes and ___ nays on this ___ day of March, 2013 at a GENERAL AND DULY CALLED MEETING OF THE CITY COMMISSION OF THE CITY OF PENITAS, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

SIGNED AND EFFECTIVE ON THIS THE 19th DAY OF MARCH, 2013.

APPROVED:



Hon. Mayor Marcos Ochoa

ATTEST:



City Clerk

APPROVED AS TO FORM:

Ricardo Gonzalez, City Attorney