RESOLUTION NUMBER 2017-02

A RESOLUTION OF THE CITY OF KEMAH, TEXAS, DECLARING CANDIDATES FOR MAYOR AND COUNCIL MEMBER POSITIONS NUMBERS 2, and 4 ELECTED; PROVIDING FOR THE CANCELLATION OF THE MAY 6, 2017, GENERAL ELECTION; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY, A REPEALER CLAUSE AND AN EFFECTIVE DATE.

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WHEREAS, pursuant to City of Kemah, Texas, Resolution Number 2017-02, passed, approved, and adopted on February 1, 2017, a general municipal officers' election was ordered to be held on May 6, 2017, for the purpose of electing the Mayor and Council Members for Position Numbers 2 and 4; and

WHEREAS, pursuant to said Resolution Number 2017-02 and Sections 143.007 and 146.054 of the TEXAS ELECTION CODE, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City's municipal officers' election has expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, TEXAS ELECTION CODE, has certified to the City Council in writing that Carl A. Joiner is unopposed for election to the office of Mayor; Wanda Zimmer is unopposed for election to the office of Council Member Position No. 2; Robin Collins is unopposed for election to the office of Council Member Position No. 4. A copy of the Certification of Unopposed Candidates labeled Exhibit "A" is attached hereto and made a part hereof; and

WHEREAS, the City Council hereby finds and determines that each candidate whose names are to appear on the ballot in said election are unopposed; and that no proposition is to appear on the ballot for such election; and,

WHEREAS, the City Council hereby finds that the May 6, 2017, General Election should be cancelled.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEMAH, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. In accordance with Section 2.053, TEXAS ELECTION CODE, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certification of election following the date that the election was to have been held in accordance with the Texas Election Code:

Carl A. Joiner – Mayor
Wanda Zimmer - Council Member Position No. 2
Robin Collins – Council Member Position No. 4

Section 3. Pursuant to Section 2.053(b), TEXAS ELECTION CODE, the general municipal officers' election heretofore called and ordered by the City of KEMAH, Texas, by Resolution Number 2017-01, for the 6th day of May, 2017, shall not be held and is hereby cancelled.

Section 4. The City Secretary is hereby directed to cause a copy of this Resolution to be posted on Election Day, May 6, 2017, at the polling places that would have been used in such election.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Kemah, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

DULY PASSED, APPROVED AND ADOPTED this the 2nd day of March, 2016.

Carl A. Joiner

Carl A. Joiner, Mayor
City of Kemah, Texas

ATTEST:

Wendy A Ellis

City Administrator
City of Kemah, Texas

APPROVED AS TO FORM AND CONTENT:

Dick Gregg, Jr. by permission

Dick Gregg, Jr., City Attorney
City of Kemah, Texas