

**CITY OF HACKBERRY, TEXAS
ORDINANCE NO. 290-21**

AN ORDINANCE OF THE CITY OF HACKBERRY, TEXAS, REPEALING ORDINANCE NO. 289-21 ORDERING AND CALLING A JOINT GENERAL ELECTION FOR THE CITY OF HACKBERRY, TEXAS (“CITY”) TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING THREE(3) MEMBERS TO THE HACKBERRY CITY COUNCIL, WITH TWO (2) MEMBERS TO HOLD OFFICE OF COUNCIL MEMBER FOR A TWO (2) YEAR TERM AND WITH ONE (1) TO HOLD OFFICE OF MAYOR FOR A TWO (2) YEAR TERM; DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 1, 2021 GENERAL ELECTION ELECTED TO OFFICE IN ACCORDANCE WITH THE LAW; CANCELING THE ELECTION; PROVIDING FOR ISSUANCE OF CERTIFICATE OF ELECTION DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 9, 2021, the City Council of the City of Hackberry, Texas, (“City”) passed and approved Ordinance No. 289-21, which Ordinance ordered a General Election of the City, for the purpose of electing two (2) members of the City Council, and one (1) member to hold office of Mayor for a two (2) year term: and

WHEREAS, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy for any of the two (2) Council Member seats and the Mayor seat, and that each of the candidates Council Members and Mayor on the ballot is unopposed for election to office, a copy of the Certification of Unopposed Candidates is attached hereto and incorporated herein as **Exhibit “A”**; and

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

WHEREAS, no proposition is to appear on the ballot in that election in relations to the two (2) Council Members and Mayor; and

WHEREAS, in these circumstances Subchapter C, Chapter 2 of the Election Code authorizes the City Council to declare the candidates elected to office and cancel the election.

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

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
ISSUANCE OF ELECTION CERTIFICATE

The following candidates, who are unopposed in the May 1, 2021, General Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Ronald Austin	Mayor – Full Term
Debra Waring	Council Member – Full Term
Jeff Dalton	Council Member – Full Term

SECTION 3.
POSTING

The May 1, 2021, General Election is canceled, and the City Secretary is directed to cause a copy of this ordinance to be posted on election day at each polling place used or that would have been used in the election.

SECTION 4.
CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5.
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6.
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Hackberry is hereby directed to engross and enroll this Ordinance in the Ordinance records of the City.

SECTION 7.
EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Hackberry Club, Texas this 9TH day of March 2021.



Ronald Austin, Mayor



ATTEST:



Brenda Lewallen, City Secretary

EXHIBIT "A"
Certification of Unopposed Candidates

CERTIFICATION OF UNOPPOSED CANDIDATES

To: Presiding Officer of Governing Body
Ronald Austin, Mayor

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 election scheduled to be held on May 1, 2021.

<u>Office</u>		<u>Candidate</u>
Mayor	(Full Term)	Ronald Austin
Council Member	(Full Term)	Debra Waring
Council Member	(Full Term)	Jeff Dalton



Signature

Brenda Lewallen

Printed Name

City Secretary

Title

March 09, 2021

Date of Signing

ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACION

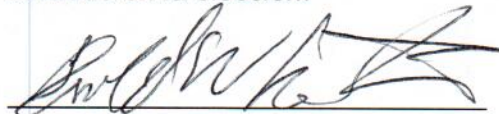
The City of Hackberry hereby cancels the election scheduled to be held on May 1, 2021 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

La Ciudad de Hackberry presente cancela la elección que se celebrará el 01 de mayo de 2021, de conformidad con la Sección 2.053 (a) del Código Electoral de Texas. Los siguientes candidatos han sido certificados como sin oposición y quedan elegidos de la siguiente manera:

Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidatura</i>)
Ronald Austin	Mayor – Full Term
Debra Waring	Council Member – Full Term
Jeff Dalton	Council Member – Full Term

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

Una copia de esta orden será fijado el día de elección en cada lugar de votación que se hubieran utilizado en la elección.



Ronald Austin, Mayor



Brenda Lewallen, City Secretary



(seal) (sello)

March 9, 2021
Date of adoption (Fecha de adopción)