

**ORDINANCE NO. \_100406-2\_\_**

**AN ORDINANCE CANCELLING THE MAY 8, 2010 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Buda, 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 had been ordered for May 8, 2010 for the purpose of electing City Council members to serve on the City Council in the City of Buda; and

**WHEREAS**, no propositions are 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; and

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

**WHEREAS**, in these circumstances Title 1, Chapter C, Subchapter C, Section 2.053, 2 of the Texas Election Code authorizes a governing body of a political subdivision, by order or ordinance, to declare each unopposed candidate elected to office and cancel the election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:**

**SECTION 1**

The following candidates, who are unopposed in the May 8, 2010 general election, are hereby declared elected to office, to each serve a full three-year term and shall be issued a certificate of election:

Member of the Council, Place 1	Ron Fletcher
Member of the Council, Place 2	Todd Ruge

**SECTION 2**

The May 8, 2010 General Election is hereby canceled.

### **SECTION 3**

Pursuant to Title 1, Chapter 2, Section 2.053, of the Texas Election Code each candidate elected so named in Section 1 of this Ordinance shall be issued a certificate of election after the May 8, 2010 election date.

### **SECTION 4**

Each candidate so elected shall execute the Statement of Elected Official prior to being administered the oath of office as prescribed by the Election Code.

### **SECTION 5**

The City Secretary is hereby directed to post a copy of the Order of Cancellation at each designated polling place on May 8, 2010.

### **SECTION 6**

This ordinance shall be cumulative of all provisions of ordinances of the City of Buda, 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 7**

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 effect 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 8**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the caption, Section 1, and the effective date in the minutes of the City Council of the City of Buda and by filing this Ordinance in the records of the City of Buda.

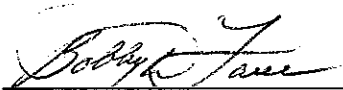
### **SECTION 9**

The City Secretary is hereby directed to publish in the official newspaper of the City of Buda, the caption, Section 1 and effective date of this Ordinance.

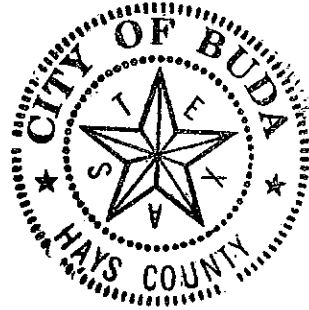
### **SECTION 10**

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

PASSED AND APPROVED ON the first reading, this \_\_6th\_\_ day of \_\_April\_\_ 2010.



Bobby D. Lane, Mayor



ATTEST:



Toni Milam, City Secretary