

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, DECLARING THE UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND TWO CITY COUNCIL MEMBERS (PLACE TWO AND PLACE FOUR) AS ELECTED; PROVIDING THAT THE MAY 2, 2020, REGULAR MUNICIPAL ELECTION SHALL NOT BE HELD; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Live Oak, Texas, adopted Ordinance No. 1593 on January 28, 2020, ordering a regular municipal election to be held on May 2, 2020, for the purpose of electing a Mayor and two Council Members, Place 2 and Place 4; and

**WHEREAS**, pursuant to Sections 143.007(c) and 146.054(b) of the Texas Election Code, the deadlines for filing applications for a place on the ballot and declarations of write-in candidacy for the City's regular municipal election have expired; and

**WHEREAS**, the City Secretary, in accordance with Section 2.052 of the Texas Election Code, has certified in writing to the City Council that Mary M. Dennis is unopposed for election to the office of Mayor; and Robert "Bob" Tullgren, City Council Place 2; and Ed Cimics, City Council, Place 4, are all unopposed for election to the office of Mayor and City Council Member; and

**WHEREAS**, the City Council hereby finds and determines that the candidates whose names are to appear on the ballot in said election are unopposed, there are no declared write-in candidates, and there are no propositions to appear on the ballot for said election; and

**WHEREAS**, under these circumstances, Subchapter C. Chapter 2, Election Code, authorizes the City Council to cancel the election and to subsequently declare the incumbent candidates elected to office as of the date/time the election of May 2, 2020 would have been officially canvassed by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, 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. That, in accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certificate of election following the date on which the regular municipal election for Mayor and City Council Members was to have been held:

Mary M. Dennis	Mayor
Robert "Bob" Tullgren	City Council, Place 2
Ed Cimics	City Council, Place 4

SECTION 3. That, pursuant to Section 2.053 of the Texas Election Code, the regular municipal election for Mayor and two City Council Members called and ordered by Ordinance No. 1593, for May 2, 2020, shall not be held and is hereby cancelled.

SECTION 4. That, pursuant to Section 2.053 of the Texas Election Code, the City Secretary is hereby directed to cause a copy of the Election Cancellation Order, attached to this Ordinance, to be posted on Election Day, the same being May 2, 2020 at all polling places that would have been used in such election.

SECTION 5. Validity. That, all ordinances of the City of Live Oak in conflict with the provisions of this ordinance be, and the same are hereby superseded and all other provisions of the ordinances of the City of Live Oak not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Severability. That, should any paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 7. Open Meeting. That, 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, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

SECTION 8. Effective Date. That, this ordinance shall take effect immediately upon its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED this 25<sup>h</sup> day of February, 2020 at a regular meeting of the City Council of the City of Live Oak, Texas.

  
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Mary M. Dennis, Mayor

ATTEST:

  
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Deborah L. Goza, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

  
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City Attorney