

ORDINANCE NO. 2004-03-23-001

AN ORDINANCE CANCELLING THE MAY 15, 2004 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kempner, Texas is a general law municipality located in Lampasas County, created in accordance with State Law and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in accordance with law a general election has been ordered for May 4, 2002 for the purpose of electing council members to serve on the city council in the City of Kempner; and

WHEREAS, no proposition is 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 Subchapter C of Chapter 2 of the Election Code authorizes a governing body 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 KEMPNER, TEXAS, THAT:

SECTION 1.

The following candidates who are unopposed in the May 15, 2004 general election are hereby declared elected to office, and shall be issued a certificate of election:

Mayor	Roger Fancher
Place 1	Paul Cook
Place 2	Dora Silva
Place 5	Clifton Morse

SECTION 2.

The city secretary is directed to post a copy of this ordinance at each designated polling place on May 15, 2004.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Kempner, 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with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.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 4.

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 judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect 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.

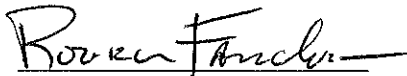
SECTION 5.

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


PASSED AND APPROVE ON THIS 23rd DAY OF March,

2004.

APPROVED:


Roger Fancher, Mayor

ATTEST:


Frances Spinney, City Secretary

MAR 31 2004

PUBLISHER'S AFFIDAVIT

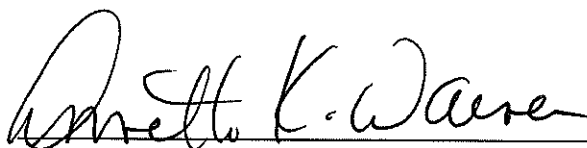
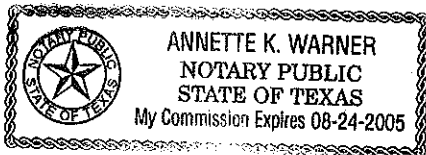
I solemnly swear that the attached notice was published in the **Lampasas Dispatch Record**, a newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the dates of publication of the attached notice, that the said notice was published in the issue(s) of such newspaper on the day(s) of March 30, 2004.



**Publisher, Fred E. Lowe
or James F. Lowe**

SWORN TO AND SUBSCRIBED BEFORE ME BY Fred E. Lowe

this the 30 day of March, 2004, to certify which witness my hand and seal of office.



Notary Public, State of Texas