



**ORDINANCE NO. 554-2017-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, ACCEPTING THE “CERTIFICATION OF UNOPPOSED CANDIDATES AND ORDER OF CANCELLATION” FROM THE CITY SECRETARY FOR THE OFFICES OF CITY COUNCIL MEMBER (PLACE 1), CITY COUNCIL MEMBER (PLACE 2) AND MAYOR, ALL OFFICES WHICH ARE UNOPPOSED FOR THE SATURDAY, MAY 6, 2017 GENERAL MUNICIPAL ELECTION, DECLARING EACH CANDIDATE AS DULY ELECTED, ORDERING EACH CANDIDATE BE ISSUED A CERTIFICATE OF ELECTION IN ACCORDANCE WITH THE LAW AND ORDERING THE CITY SECRETARY TO NOTIFY THE JOHNSON AND ELLIS COUNTY ELECTIONS OFFICES OF THIS ORDINANCE AND DECLARATIONS, ORDERING THE CANCELLATION OF THE GENERAL MUNICIPAL ELECTION, CONFIRMING TEXAS OPEN MEETINGS ACT COMPLIANCE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING A PUBLICATION CLAUSE, PROVIDING AN EFFECTIVE DATE, AND PROVIDING A CERTIFICATION OF ADOPTION.**

**WHEREAS**, the City of Venus, Texas (“City”), is a Type A general law city operating pursuant to the laws of the State of Texas, by and through its duly elected council members;

**WHEREAS**, the City Council (“Council”) of the City serves as the elected governing body; directly responsible for ensuring fair and open elections conducted in all accordance of the law;

**WHEREAS**, the Council, on February 13, 2017 ordered and called a general municipal election and a special election to place on Saturday, May 6, 2017 to elect two (2) city councilmembers (Place 1 and 2) and a mayor and to vote on a ballot proposition;

**WHEREAS**, the official deadline for a candidate to file an application for a place on the ballot for the general municipal election for the Saturday, May 6, 2017 general municipal election was Friday, February 17, 2017 at 5:00 p.m.;

**WHEREAS**, only one individual filed an application for a place on the ballot for Place 1 of the city council, the incumbent city councilmember Jeannie Russell Prazak;

**WHEREAS**, only one individual filed an application for a place on the ballot for the office of mayor, the incumbent mayor James Lee Burgess;

**WHEREAS**, two individuals (the incumbent Laurna M. Guidry-Shaw and Robert William Winkelman) filed applications for a place on the ballot for Place 2 of the city council, however, Winkelman who filed his application on February 17, 2017 – withdrew his candidacy and application on February 24, 2017 and filed with the City Secretary a “Certificate of Withdrawal”, leaving only Guidry-Shaw for Place 2;

**WHEREAS**, the official deadline for a candidate to file a declaration as a write-in candidate for the Saturday, May 6, 2017 general municipal election was Tuesday, February 21, 2017;

**WHEREAS**, no individual has made a declaration of write-in candidacy for either of the city council positions (Place 1 and 2) or the office of mayor;

**WHEREAS**, the City Secretary has filed and presented to Council a “Certification of Unopposed Candidates and Order of Cancellation” for the Saturday, May 6, 2017 general municipal election (Exhibit “A”) attached hereto in accordance with TEXAS ELECTION CODE Section 2.052;

**WHEREAS**, the TEXAS ELECTION CODE Section 2.053(a) authorizes the Council to declare unopposed candidates to be elected to office;

**WHEREAS**, the Council finds that declaring unopposed candidates elected is in the best interest of the citizens and promotes the clean, efficient administration of this election;

**WHEREAS**, the TEXAS ELECTION CODE Section 2.053(b) authorizes the Council to cancel an election where all positions and offices on the ballot have been certified as unopposed and the candidates declared elected to office;

**WHEREAS**, the Council finds canceling the general municipal election to elect two (2) city council members and a mayor is in the best interest of the citizens and promotes the clean, efficient administration of this election;

**WHEREAS**, the TEXAS ELECTION CODE treats the general municipal election (to elect two (2) city council members and a mayor) to be a *separate* election to the special election (ordered by the Council to put a ballot proposition to the voters “[t]he adoption of an additional sales and use tax within the City of Venus at the rate of one-quarter of one percent to be used to reduce the property tax rate”); and

**WHEREAS**, as Council hereby cancels the general municipal election, the special election shall proceed in all regards, remaining on the ballot for Venus voter consideration on Saturday, May 6, 2017.

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

**SECTION A.**

The Council hereby adopts all of the above recitals included herein as true and correct.

**SECTION B.**

Jeannie Russell Prazak, being an unopposed candidate for the position of city councilmember (Place 1) is hereby duly elected to the office for a term of two (2) years and shall be issued a certificate of election following the date on which the general municipal election for councilmembers is to be held.

**SECTION C.**

Laurna M. Guidry-Shaw, being an unopposed candidate for the position of city councilmember (Place 2) is hereby duly elected to the office for a term of two (2) years and shall be issued a certificate of election following the date on which the general municipal election for councilmembers is to be held.

**SECTION D.**

James Lee Burgess, being an unopposed candidate for the office of mayor is hereby duly elected to the office for a term of two (2) years and shall be issued a certificate of election following the date on which the general municipal election for the position of mayor is to be held.

**SECTION E.**

The general municipal election previously ordered by Council is hereby canceled pursuant to the authority granted the City by TEXAS ELECTION CODE Section 2.053(a).

**SECTION F.**

In accordance with TEXAS ELECTION CODE Section 2.053(a), on Saturday, May 6, 2017, a copy of this ordinance shall be posted on Election Day at each polling place used or that would have been used in the election.

## **SECTION G.**

The City Secretary is hereby ordered to provide notice to both the Johnson and Ellis County elections offices of this declaration of election for purposes of amending the ballot to list the “Unopposed Candidates Declared Elected” in accordance with TEXAS ELECTION CODE Section 2.053(c).

## **SECTION H. OPEN MEETINGS COMPLIANCE**

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

## **SECTION I. SEVERABILITY**

Should any section, clause, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

## **SECTION J. REPEALER**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

## **SECTION K. PUBLICATION**

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the City, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance, if applicable, into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

## **SECTION L. EFFECTIVE DATE**

That this Ordinance shall become effective on the date of the passing of this ordinance.





EXHIBIT "A"

**CERTIFICATION OF UNOPPOSED CANDIDATES**  
**AND ORDER OF CANCELLATION**  
**FOR THE CITY OF VENUS, TEXAS**  
*(CERTIFICACIÓN DE CANDIDATOS SIN OPOSICIÓN*  
*Y ORDEN DE CANCELACIÓN PARA LA CIUDAD DE VENUS, TEJAS)*

**To: Presiding Officer of Governing Body**  
*(Al: Presidente de la entidad gobernante)*

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 general municipal election scheduled to be held on Saturday, May 6, 2017 (Pursuant to TEXAS ELECTION CODE Section 2.052). *(Como autoridad a cargo de la preparación de la bolete de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevara a cabo el 6 de mayo de, el año 2017.)*

**List offices and names of candidates:**  
*(Lista de cargos y nombres de los candidatos:)*

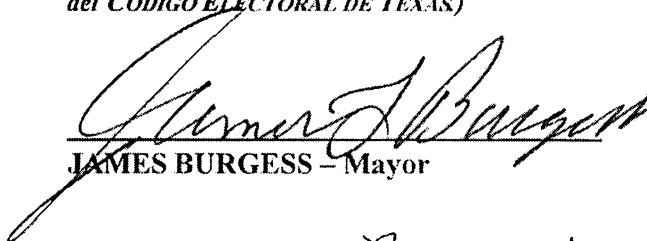
**Office(s):** *Cargo(s)*


**Candidate(s):** *Candidato(s)*

City Councilmember (Place 1)  
City Councilmember (Place 2)  
Mayor

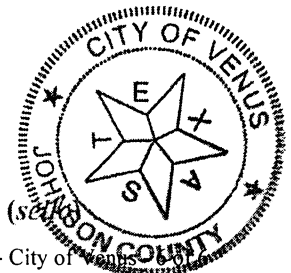
Jeannie Russell Prazak  
Laurna M. Guidry-Shaw  
James Lee Burgess

We certify to the City Council of Venus, Texas that all election requirements have been meet in order to cancel the general municipal election scheduled to be held on Saturday, May 6, 2017 in accordance with TEXAS ELECTION CODE Section 2.053(a). *(Certificamos al Gobierno de Venus, Texas que todos los requisitos electorales se han cumplido para cancelar la elección general municipal que se realizará el sábado 6 de mayo de 2017 de acuerdo con la Sección 2.053 (a) del CÓDIGO ELECTORAL DE TEXAS)*

  
JAMES BURGESS – Mayor

  
RANA GAMEL – City Secretary

Signed this, the 8 day of March, 2017.



(Seal) (seal)