

ORDINANCE NO. 97-08

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, CANCELING THE ELECTION SCHEDULED TO BE HELD MAY 3, 1997, FOR THE PURPOSE OF ELECTING TWO (2) MEMBERS, (PLACE 1 AND 3), TO THE CITY COUNCIL; DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; ORDERING THE POSTING OF THIS ORDINANCE AT CITY HALL AND AT THE POLLING PLACES ON ELECTION DAY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, Resolution No. 97-4, was adopted by the City Council on February 4, 1997, for the purpose of electing two Council Members (Place 1 and 3) to the Commerce City Council; and

WHEREAS, the election is for officers of the City in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which each candidate whose name is to appear on the ballot is unopposed, and no proposition is to appear on the ballot; and,

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

WHEREAS, the City Council has received the City Secretary's written certification that each candidate is unopposed the election; and,

WHEREAS, in these circumstances, Chapter 2, Subchapter C of the Texas Election Code authorizes the governing body to declare each unopposed candidate elected to office and to cancel the election thereby avoiding the expenses related to holding an election and saving public funds.

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

SECTION 1. The general election for the purpose of electing two Council Members (Place 1 and 3) previously called for May 3, 1997, is hereby canceled.

SECTION 2. The following candidates, who are unopposed for the May 3, 1997, General Election are hereby declared elected to office and shall be issued a certificate-of-election:

Council Member Place 1
Council Member Place 3

Sheryl Zelhart
Penny Belcher

SECTION 3. The City Secretary shall post a copy of this Ordinance at City Hall and on election day shall post a copy of this Ordinance at the polling place located at the Commerce High School.

SECTION 4. It is hereby declared to be in the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable; and if any phrase, clause, sentence or section of this Ordinance shall be declared unconstitutional or invalid by any judgment or other remaining phrase, sentence, clause, paragraph or section of this Ordinance; and the City Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Commerce, and is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE,
ON THIS THE 1st DAY OF APRIL, 1997.**

ATTEST

Marty Morrison

Marty Morrison
City Secretary

(seal)

CITY OF COMMERCE

John R. Sands

John R. Sands
Mayor

I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

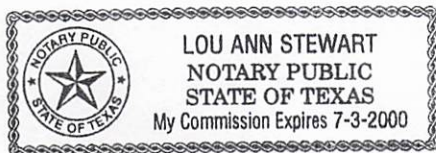
(seal)

Marty Morrison

Marty Morrison, City Secretary
City of Commerce

Sworn to and subscribed before me, on this the 1st day of April, 1997, to
certify which witness my hand and seal of office.

(seal)



Lou Ann Stewart

Notary Public

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