

ORDINANCE 09-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS, CANVASSING THE ELECTION RESULTS OF THE GENERAL ELECTION ON MAY 9, 2009 FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS FOR THE TWO (2) YEAR TERM; DETERMINING RESULTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council ordered a General Election for Saturday, May 9, 2009 for the purpose of electing three (3) Council Members for the two (2) year term; and

WHEREAS, only duly qualified resident voters of the City of Nevada, Texas, voted in the General Election called and held on May 9, 2009; and

WHEREAS, section 67.003 of the Texas Election Code provides that each local canvassing authority shall convene not earlier than the fifth (5th) day or later than the eleventh (11th) day after election day for the purpose of canvassing the election results; and

WHEREAS, section 67.004(a) of the Texas Election Code also provides that only two (2) members of City Council are needed and constitute a quorum for the purpose of canvassing election results; and

WHEREAS, a quorum of the City Council met on May 19, 2009, and duly canvassed the election returns of the above mentioned election, hereby attached as *Exhibit A*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS, AS FOLLOWS:

Section 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. That the City Council officially finds and determines an election was duly ordered to be held in the City of Nevada, Texas on the 9th day of May, 2009, for the purpose of electing three (3) Council Members for the two (2) year term; and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

Section 3. That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said General Election for the purpose of electing three (3) Council Members for the two (2) year term; and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as *Exhibit A*, were made in accordance with the law.

	General Election
38	Philip Barth
42	Linda White
31	Mia Smith
16	Write - In

Section 4. The City Council officially finds and determines the results of said election to be that: (1). the qualified voters of the City of Nevada, Texas, elected three (3) Council Members for the two (2) year term.

Section 5. Severability Clause. 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 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Repealer Clause. Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS, on this the 19th day of May, 2009.

 Mayor, Christy Schell
 City of Nevada, Texas

ATTEST:

 Marla Barth, City Secretary
 City of Nevada, Texas