

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 8, 2003**

Mayor Garland S. Novosad declared a Special Meeting duly open for the transaction of business at 5:30 p.m.

Councilmembers present were: Mayor Garland S. Novosad, Councilmembers V. L. Wiley, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Bryce D. Kocian.

Councilmember absent was: Darryl Darnell.

Staff members present were: City Manager, Andres Garza, Jr., Finance Director Joyce Vasut, Deputy City Secretary Lisa Stavena, Building Official Ronnie Bollom, Public Works Director Phillip Bush and Amy Rod.

Visitors present were: Ron Sanders Wharton Journal-Spectator.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to excused Councilmember Darryl Darnell from the Special Meeting on May 8, 2003. Councilmember Ken Freese seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments given. No action was taken.

The fourth item on the agenda was to review and consider a resolution canvassing the election returns and declaring the results of the City Officers' Election and the Special Election results for the Charter Amendments held on May 3, 2003. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2003-43, which read as follows:

**CITY OF WHARTON, TEXAS
RESOLUTION NO. 2003-43**

**A RESOLUTION CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
AND THE SPECIAL ELECTION RESULTS OF THE CHARTER
AMENDMENTS HELD ON MAY 3, 2003**

BE IT RESOLVED by the City Council of the City of Wharton, Texas:

The City Council of the City of Wharton, Texas has canvassed the returns of the city officers' election held on the **3rd of May 2003**, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes;

COUNCILMEMBER DISTRICT NO. 1

V. L. WILEY, JR. 209

COUNCILMEMBER DISTRICT NO. 3

KEN FREESE 297

COUNCILMEMBER AT LARGE PLACE NO. 5

LYNDA NICHOLS 84

RIVERS R. GLOVER, I 365

DOMINGO MONTALVO, JR. 674

The City Council further finds and declares that the election was duly called, that notice of the election was given in accordance with law, that the election was held in accordance with law, that **V. L. Wiley, Jr.** was elected Councilmember District No. 1, **Ken Freese** was elected Councilmember District No. 3, and that **Domingo Montalvo, Jr.** was elected Councilmember At Large - Place No. 5.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter of the City of Wharton, Texas.

The City Council of the City of Wharton, Texas has canvassed the returns of the Special election of the Charter Amendments held on the **3rd of May 2003**, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the charter amendments in the election received the following numbers of votes:

ART. X, SEC 109 (RECALL PROCEDURE)

YES 765 VOTES NO 237 VOTES

ART. X, SEC 110 (RECALL PETITIONS)

YES 767 VOTES NO 240 VOTES

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this resolution is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the **8th** day of **May 2003**.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a resolution calling for a Run-Off Election. No action was taken.

The sixth item on the agenda was adjournment. Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting was adjourned at 5:33 p.m.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN
Mayor Pro-Tem

ATTEST:

JOYCE VASUT
City Secretary