

**MINUTES  
OF  
CITY OF WHARTON  
SPECIAL CITY COUNCIL MEETING  
MAY 24, 2004**

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 12:03 p.m.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., Darryl Darnell, Ken Freese, Domingo Montalvo, Jr., and Ray Linseisen.

Councilmember absent was: Councilmember Don Mueller.

Staff members present were: City Manager, Andres Garza, Jr., Finance Director Joyce Vasut, and Deputy City Secretary Lisa Stavena

Visitors present were: David Samuelson.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to excuse Councilmember Don Mueller from the Special Meeting on May 24, 2004. 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 held on May 15, 2004. After some discussion, Councilmember Darryl Darnell made a motion to approve Resolution No. 2004-38, which read as follows:

**CITY OF WHARTON, TEXAS  
RESOLUTION NO. 2004-38**

**A RESOLUTION CANVASSING THE ELECTION RETURNS AND  
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION  
HELD ON MAY 15, 2004**

**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 **15<sup>th</sup> of May 2004**, 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;

	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
<b>Councilmember District No. 2</b>			
David Samuelson	<u>75</u>	<u>56</u>	<u>131</u>
<b>Councilmember District No. 4</b>			
Don Mueller	<u>187</u>	<u>160</u>	<u>347</u>
<b>Councilmember At Large Place No. 6</b>			
Darryl Darnell	<u>139</u>	<u>137</u>	<u>276</u>
Ray Linseisen	<u>417</u>	<u>323</u>	<u>740</u>
<b>Mayor</b>			
Jim Faetche	<u>62</u>	<u>49</u>	<u>111</u>
Bryce D. Kocian	<u>486</u>	<u>404</u>	<u>890</u>
<b>Provisional Ballots</b>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Election Returns</b>	<u>558</u>	<u>463</u>	<u>1,021</u>

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 **David Samuelson** was elected Councilmember District No. 2, **Don E. Mueller** was elected Councilmember District No. 4, **Ray Linseisen** was elected Councilmember At Large - Place No. 6, and that **Bryce D. Kocian** was elected Mayor.

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.

### **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 **24th** day of **May 2004**.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney  
Councilmember Ray Linseisen seconded the motion. All voted in favor.

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

The meeting was adjourned at 12:07 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary