

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 16, 2005**

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 12:07 p.m.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese.

Councilmember absent was: Councilmember Don Mueller, Ray Linseisen, and Domingo Montalvo, Jr.

Staff members present were: City Manager, Andres Garza, Jr., City Secretary Lisa Stavena, and Assistant to City Manager Jackie Jansky.

Visitors present were: None.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember David Samuelson made a motion to excuse Councilmember Don Mueller, Ray Linseisen, and Domingo Montalvo, Jr. from the Special Meeting of May 16, 2005. Councilmember V. L. Wiley, Jr. 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 7, 2005. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2005-27, which read as follows:

**CITY OF WHARTON, TEXAS
RESOLUTION NO. 2005-27**

**A RESOLUTION CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
HELD ON MAY 7, 2005**

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 **7th of May 2005**, 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>
Councilmember District No. 1			
V. L. Wiley, Jr.	<u>46</u>	<u>43</u>	<u>89</u>

Councilmember District No. 3

Ken Freese	<u>80</u>	<u>91</u>	<u>171</u>
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Councilmember At Large Place No. 5

Domingo Montalvo	<u>183</u>	<u>225</u>	<u>408</u>
Darryl Darnell	<u>78</u>	<u>96</u>	<u>174</u>

Provisional Ballots	<u>0</u>	<u>0</u>	<u>0</u>
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Election Returns	<u>263</u>	<u>329</u>	<u>592</u>
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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 **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.

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 **16th** day of **May 2005**.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB

City Attorney

Councilmember David Samuelson seconded the motion. All voted in favor.

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

The meeting was adjourned at 12:09 p.m.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary