

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2023-03A**

AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATE FOR COUNCILMEMBER DISTRICT NO. 3, AND COUNCILMEMBER AT LARGE PLACE NO. 5 AS ELECTED TO OFFICE; PROVIDING THAT THE GENERAL ELECTION HELD ON MAY 6, 2023, FOR COUNCILMEMBER DISTRICT NO. 3 AND COUNCILMEMBER AT LARGE PLACE NO. 5 SHALL BE CANCELLED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton, Texas is a home rule municipality located in Wharton County, created in accordance with the provisions of Title 2 Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and,

WHEREAS, Pursuant to the City of Wharton, Ordinance No. 2023-01-A and 2023-01B, passed and approved January 23, 2023, a general election was ordered to be held on May 6, 2023, for the purpose of electing Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 to serve on the City of Wharton City Council; and,

WHEREAS, Pursuant to Section 143.007 Texas Election Code, the deadline for filing for a place on the City's General Election was expired on February 17, 2023, at 5:00 P.M.; and,

WHEREAS, The City Secretary, in accordance with Section 2.052 Texas Election Code, has certified to the City Council in writing that Terry Freese is unopposed for election to the office of Councilmember District No. 3 and Russell Machann is unopposed for election to the office of Councilmember At Large Place No. 5; and,

WHEREAS, The City Council hereby finds and determines that the candidate for Councilmember District No. 3 and Councilmember At Large Place No. 5 whose name is to appear on the ballot in said election is unopposed, and there are no declared write-ins.

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

SECTION 1.

In accordance with Section 2.053(a) Texas Election Code, the following candidate, who is unopposed in the May 6, 2023, general election, is hereby declared duly elected to the respective offices.

Councilmember – District No. 3 – Terry Freese
Councilmember at Large - Place No. 5 – Russell Machann

SECTION 2.

Pursuant to Section 2.053 (b) Texas Election Code, the General Election for, Councilmember District No. 3 and Councilmember At Large Place No. 5 heretofore called and

ordered by the City of Wharton by Ordinance No. 2023-01A and 2023-01B, for the 6th day of May 2023, shall not be held and is hereby canceled.

SECTION 3.

The City Secretary is hereby directed to post a copy of this Ordinance at the designated polling place on Election Day, same being May 6, 2023.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Wharton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

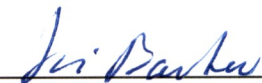
It is hereby declared to the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


SECTION 6.

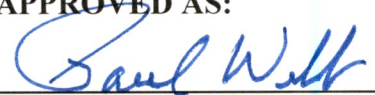
This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on this **13th day of March 2023.**

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS:

PAUL WEBB
City Attorney

