

**RESOLUTION NO. 603**

**A RESOLUTION OF THE CITY OF TERRELL, TEXAS CERTIFYING CANDIDATE UNOPPOSED ON BALLOT OF GENERAL MUNICIPAL ELECTION FOR THE CITY OF TERRELL SET FOR SATURDAY, MAY 10, 2008; FOR ELECTION OF COUNCIL MEMBER IN DISTRICT NO. 5; DECLARING UNOPPOSED CANDIDATE ELECTED TO OFFICE; AUTHORIZING COPY OF RESOLUTION POSTED ON ELECTION DATE AT EACH POLLING PLACE TO BE USED IN ELECTION; AND PROVIDING THAT IT SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:**

**WHEREAS**, On January 22, 2008, the City Council of the City of Terrell adopted Resolution No. 598 - Calling the General Municipal Election for the City of Terrell, Texas, for the election of Council Member from District No. 5 with such election to be held on Saturday, May 10, 2008; and

**WHEREAS**, the candidate whose name is to appear on the ballot is unopposed and there is no proposition appearing on the ballot; and

**WHEREAS**, the City Secretary has certified in writing that the candidate is unopposed for election;

**WHEREAS**, the filing deadline for placement on the ballot and declaration of write-in candidacy has passed; and

**WHEREAS**, in these circumstances Subchapter C of Chapter 2 of the Election Code authorizes a governing body to declare the unopposed candidate elected to office and cancel the Election for Council District No. 5.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT:**

**SECTION I.**

The General Election for the City of Terrell scheduled for Saturday, May 10, 2008 for the election of Councilmember District No. 5, shall not be held in accordance with Section 2.051 of the Election Code and it is hereby declared that the unopposed candidate is hereby elected to the office as follows:

In District No. 5

Councilmember..... Don Thurman

**SECTION II.**

A copy of this Resolution shall be posted on election day at each polling place that would have been used in the election and a Certificate of Election issued to the candidate.

**SECTION III.**

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with the provisions of such resolutions, in which event the conflicting provisions of such resolution are hereby repealed.

**SECTION IV.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this resolution are severable, and if any phrase, clause, sentence, paragraph or section of this resolution shall be declared unconstitutional by the valid judgement 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 resolution, since the same would have been enacted by the city council without the incorporation in this resolution of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION V.**

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

Passed and Approved on this the 6<sup>th</sup> day of May, 2008.

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Hal Richards, Mayor

Attest:

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John Rounsavall, City Secretary