

**CITY OF FARMERSVILLE
ORDINANCE # 2009-08**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD MAY 9, 2009 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS, PLACES 1, 3 AND 5, OF THE CITY OF FARMERSVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville, Texas, (“City Council”), issued an order on February 10, 2009, directing that a general municipal election be held on May 9, 2009, for the purpose of electing three officials of the City to serve as the Place 1, Place 3, and Place 5 City Council Members; and

WHEREAS, notice of election was properly given by the City as required by law; and

WHEREAS, the City Council has considered the returns of said election held May 9, 2009; and

WHEREAS, said election was duly and legally held on May 9, 2009 in the City and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

WHEREAS, the election returns, duly and legally made, showed that there were cast at said election a total of 247 valid and legal votes, of which 140 votes were cast early and 107 votes were cast on election day, and that each of the candidates in said election received the following votes:

COUNCILMEMBER, PLACE 1

Candidate	Early Voting	Election Day	Total Percentage
Bobby Bishop	21	14	100%

COUNCILMEMBER, PLACE 3

Candidate	Early Voting	Election Day	Total Percentage
Billy Long	51	38	100%

COUNCILMEMBER, PLACE 5

Candidate	Early Voting	Election Day	Total Percentage
Lee Warren	29	33	45.31%
Fred Langford	36	33	54.69%

WHEREAS, section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall convene not later than the eleventh (11th) day after the Run-off election date for the purpose of canvassing the election results; and

WHEREAS, section 67.004(a) of the Texas Election Code, as amended, establishes the quorum level required to canvass election results; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

Section 1: FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2: EXPRESSION OF ELECTORS

It is further found and determined that the results of the election as canvassed and tabulated in the preamble reflect the expressed desires of the resident qualified electors of the City.

Section 3: ELECTED COUNCILMEMBER PLACES 1, 3 AND 5

Pursuant to the applicable provisions of the Texas Local Government Code and the Texas Election Code, the City Council officially finds and determines and declares the results of said election to be that the duly elected members of the City Council of the City of Farmersville, Texas, elected May 9, 2009, for Councilmember Places 1, 3 and 5, subject to the taking of the oaths of office as provided by the laws of the State of Texas are as follows:

- Councilmember Place 1 Bobby Bishop
- Councilmember Place 3 Billy Long
- Councilmember Place 5 Fred Langford

Section 4: EXECUTION AND DELIVERY OF ORDINANCE

The Mayor is hereby authorized and directed to execute and deliver this Ordinance canvassing the General Election in accordance with the Texas Election Code and all other necessary action in connection therewith.

Section 5: SEVERABILITY CLAUSE

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

Section 6: REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 7: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Farmersville, Texas this 12th day of May 2009.

Donald C Smith, Mayor

ATTEST:

Edie Sims, City Secretary