

**ORDINANCE NO. 2011-05-0\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CERTIFYING THE ELECTION RESULTS FOR THE MAY 14, 2011 GENERAL ELECTION; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Ordinance No. 2011-02-005 of the City of McKinney, Texas, adopted on the 15<sup>th</sup> day of February, 2011, an election was duly held on the 14<sup>th</sup> day of May, 2011, for the purpose of voting on a Council member At-large, Council member for District 2, and Council member for District 4; and

**WHEREAS**, said election was held with the solemnities and formalities necessary to make it a valid election, all notices having been posted in the manner and for the length of time required by law; and

**WHEREAS**, only duly qualified resident voters of the City of McKinney, Texas, voted at the General Election called and held on May 14, 2011; and

**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 (11<sup>th</sup>) day after the May 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; and

**WHEREAS**, a quorum of the City Council met on Monday, May 23, 2011, and duly canvassed the election returns of the above mentioned election, hereby attached as ***Exhibit A***.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:**

**Section 1.** The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2.** That the City Council officially finds and determines an election was duly ordered to be held in the City of McKinney, Texas on the 14<sup>th</sup> day of May, 2011, for the purpose of electing a Council Member At-Large, a Council Member for District 2, and a Council Member for District 4 to three (3) year terms of office, and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

**Section 3.** That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as Exhibit A, were made in accordance with the law.

Steve Bell	1765	35.99%	<b>Council Member At-Large</b>
Jeremiah J. Hammer	184	3.75%	
Matt Hilton	971	19.80%	
Johnny Moore	233	4.75%	
Roger D. Harris	1751	35.71%	

Geralyn Kever Tracy Rath	1272 616	67.37% 32.63%	<b>Council Member for District 2</b>
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Ray Ricchi	1989	100.00%	<b>Council Member for District 4</b>
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**Section 4.** Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of McKinney, Texas Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that:

- (1) Geralyn Kever is elected Council member District 2 to a three (3) year term of office by majority vote of the voters;
- (2) Ray Richhi is elected Council member District 4 to a three (3) year term of office by majority vote of the voters; and
- (3) A runoff election shall be ordered for the Council member At-Large position. The candidates for the runoff election shall be Steve Bell and Roger D. Harris who received the highest and second highest number of votes at the May 14, 2011 general election.

**Section 5.** It is hereby declared to be 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** This Ordinance shall be effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THIS THE 23rd DAY OF MAY, 2011.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
Sandy Hart, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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Mark S. Houser  
City Attorney

***Exhibit A***