

**ORDINANCE 2023-03-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATE FOR THE OFFICE OF COUNCIL MEMBER DISTRICT 4; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of McKinney, Texas, ("City Council"), issued an order by ordinance adopted on February 7, 2023, and amended on February 17, 2023, directing that a general election be held on May 6, 2023, between respective eligible candidates to serve as Council Member At-Large #2, Council Member District 2, and Council Member District 4; and

**WHEREAS**, the period for filing applications to place a name on the May 6, 2023 election ballot was January 18, 2023 through February 17, 2023, with the number of applications filed for Council Member District 4 being one (1) application and the number of candidate names approved for the ballot for Council Member District 4 being one (1) candidate name; and

**WHEREAS**, pursuant to Chapter 2 Subchapter C of the Texas Election Code, an election candidate certified to be unopposed shall be considered elected; and

**WHEREAS**, the City Secretary, in accordance with Section 2.052 of the Texas Election Code, has certified in writing to the City Council that Rick Franklin is unopposed for election to Council Member District 4; and

**WHEREAS**, the City Council, upon receipt and review of such written certification, hereby finds and determines that the candidate, Rick Franklin, whose name will appear on the ballot in said general election for City Council Member District 4 is unopposed.

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

Section 1: 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: In accordance with Sections 2.053(a) and 2.053(c) of the Texas Election Code, the following unopposed candidate is hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the effective date hereof:

**Rick Franklin, Council Member District 4**

Section 3: In accordance with Section 2.053(e) of the Texas Election Code, a certificate of election shall be issued to the unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election, and the candidate must qualify for the office in the same manner as provided for a candidate elected at the election.

Section 5: 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: 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: This Ordinance shall take effect immediately from and after its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 21ST DAY OF MARCH, 2023.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
EMPRESS DRANE  
City Secretary

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

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney