

ORDINANCE 2021-05-____

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 1; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE JUNE 5, 2021, RUNOFF ELECTION SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON JUNE 5, 2021; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by order of the City Council of the City of McKinney, Texas, ("City Council"), a general election was held on May 1, 2021, for the office of Council Member District 1 among other offices; and

WHEREAS, election to the office of Council Member District 1 requires that one candidate receive a majority vote to be elected; and

WHEREAS, the City Council completed the canvass of the general election on May 10, 2021, and determined that no candidate for the office of Council Member District 1 received a majority vote as necessary to be elected; and

WHEREAS, the City Council of the City of McKinney, Texas, ("City Council"), issued an order by ordinance adopted on May 10, 2021, directing that a runoff election be held on June 5, 2021, between the candidates who received the highest and second highest number of votes in the general election, pursuant to Section 2.023 of the Texas Election Code, for the purpose of electing one of those two candidates either Justin Beller or Stan Penn to serve as Council Member District 1; and

WHEREAS, pursuant to Section 145.001 of the Texas Election Code, Stan Penn has filed a timely and sufficient withdrawal as a runoff candidate, which withdrawal has been accepted by the City Secretary; and

WHEREAS, pursuant to Section 145.095 of the Texas Election Code, the remaining candidate shall be considered elected, and the election shall not be held; 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 Justin Beller is unopposed for election to Council Member District 1; and

WHEREAS, the City Council, upon receipt and review of such written certification, hereby finds and determines that the candidate, Justin Beller, whose name was to appear on the ballot in said runoff election for Council Member District 1 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), 2.053(c) and Section 145.095 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:

Justin Beller, Council Member District 1

- Section 3: In accordance with Sections 2.053(b) and 145.095 of the Texas Election Code, the runoff election for the City Council heretofore called and ordered for June 5, 2021 shall not be held and is hereby cancelled.
- Section 4: In accordance with Section 2.053(b) of the Texas Election Code, the City Secretary is hereby directed to cause a copy of this Ordinance to be posted on June 5, 2021, at all polling places that would have been used in such 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 uncoded, 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 uncoded, 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 10th DAY OF MAY, 2021.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
JOSHUA STEVENSON, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney