

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, ACCEPTING CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE OFFICES OF COUNCIL MEMBER PLACE THREE (3), COUNCIL MEMBER PLACE FOUR (4), AND COUNCIL MEMBER PLACE FIVE (5) AS ELECTED; DECLARING THAT THE MAY 4, 2024, GENERAL ELECTION IS CANCELED AND THE UNOPPOSED CANDIDATES ELECTED TO OFFICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING OF NOTICE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City adopted Resolution No. RE-4157-24 on February 12, 2024, ordering a General Election to be held on May 4, 2024, for the purpose of electing three officials of the City, to wit: Council Member Place Three (3), Council Member Place Four (4) and Council Member Place Five (5); and,

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City’s General Election has expired; and,

WHEREAS, Section 2.053, Texas Election Code, authorizes the governing body of a political subdivision, by order or ordinance, to declare each unopposed candidate elected to office and to cancel the election; and,

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that Brent Newsom is unopposed for election to the office of Council Member Place Three (3), Juan Fresquez is unopposed for the election to the office of Council Member Place Four (4) and Julie Short is unopposed for election to the office of Council Member Place Five (5); and,

WHEREAS, under these circumstances, Subchapter C, Chapter 2 of the Texas Election Code, authorizes the City Council to declare those candidates who filed elected to office and compels the City Council to cancel the previously ordered general election; and

WHEREAS, the City Council hereby finds and determines that each candidate whose name is to appear on the ballot in said election is unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said election.

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

SECTION 1.

Pursuant to Section 2.053(b), Texas Election Code, the General Election for Council Member Place Three (3), Council Member Place Four (4), and Council Member Place Five (5) called and ordered to be held May 4, 2024, by Resolution No. RE-4157-24, is hereby canceled.

SECTION 2.

In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certificate of election on May 4, 2024, the date which the General Election for Council Member Place Three (3), Council Member Place Four (4) and Council Member Place Five (5) was to have been held:

Council Member Place Three (3) – Brent Newsom
Council Member Place Four (4) – Juan Fresquez
Council Member Place Five (5) – Julie Short

SECTION 3.

Pursuant to Article IV, Section 4.05 of the Mansfield Home Rule Charter, the candidates elect so named in Section 2 of this Ordinance and the order of cancellation shall be administered the Oath of Office at Mansfield City Hall and may exercise the duties of office at the beginning of the first regular meeting of the Council after May 4, 2024, the date which the General Election for Council Member Place Three (3), Council Member Place Four (4), and Council Member Place Five (5) was to have been held.

SECTION 4.

The City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 4, 2024, at all polling places that would have been used in such election.

SECTION 5.

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by Section 551.001, *et. seq.*, of the Texas Government Code, and that advanced public notice of the time, place and purpose of said meeting was given.

SECTION 6.

The facts and matters set forth in the preamble of this Ordinance and order of cancellation are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 7.

This Ordinance shall take effect immediately upon passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANSFIELD, TEXAS, ON THIS THE 26TH DAY OF FEBRUARY, 2024.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney