

ORDINANCE NO. 2004- 8

An ordinance canvassing the returns and declaring the results of a Joint General election of the City of Victoria for Mayor, City Council Member Super District 5, and City Council Member Super District 6, held May 15, 2004, approving said election and the results thereof, declaring an emergency; and providing an effective date.

In accordance with Article II, Section 3 of the City Charter as amended by Agreed Order Nunc Pro Tunc entered in the Voting Rights Acts lawsuit (Civil Action N. V-92-0006, In the United States District Court for the Southern District of Texas, Victoria Division), and Chapter 2, Section 2-1 of the City Code of the City of Victoria, Texas, and the laws of the State of Texas, by Ordinance No. 2004-2 a joint general election was called for the purpose of electing a Mayor and Councilmembers to City Council Districts 5 and 6 on May 15, 2004. It is necessary that the City Council officially canvass the votes and declare the results of said election within the time required by the laws of the State of Texas and Article VII of the City Charter.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA:

1.

The City Council finds the results of the joint general election of the City of Victoria held May 15, 2004 is as set out in the election results attached hereto as Exhibit "A" and made a part hereof for all purposes as though copied herein verbatim; said election was duly called and notice thereof was duly given; said election was held under and in strict conformity with applicable laws; only duly qualified voters of the City voted at the election; and due returns of the election have been made by the proper officers.

2.

In accordance with the election results, the following people were elected by the qualified voters of the City of Victoria, Texas for a three-year term as set out in Article II, Section 3 of the City Charter, as follows:

Mayor	Will Armstrong
City Council member Super District 5	Jim Wyatt
City Council member Super District 6	Tom Halepaska

3.

If any provision of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

4.

In order that the results of the joint general election be made official within the time required by law, an emergency is declared and the requirement of Article II § 9 of the City Charter that no ordinance shall be passed finally on the date of its first reading is suspended and this Ordinance shall become effective immediately upon passage and approval by the City Council of the City of Victoria, Texas.

PASSED, this the 25th day of May, 2004.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 25th day of May, 2005.



Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Gary Middleton
GARY MIDDLETON, Mayor of the City of Victoria

David Atmar Smith
APPROVED AS TO LEGAL FORM.
DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department

Sent: MAY 26, 2004

