



# City of Killeen

## Legislation Details (With Text)

|                       |  |                      |   |                      |  |
|-----------------------|--|----------------------|---|----------------------|--|
| <b>File #:</b>        | OR-19-005  | <b>Version:</b>      | 1 | <b>Name:</b>         | Declare Unopposed Candidate / Cancel District 1 Election |
| <b>Type:</b>          | Ordinance  | <b>Status:</b>       |   | <b>Status:</b>       | Passed   |
| <b>File created:</b>  | 2/20/2019  | <b>In control:</b>   |   | <b>In control:</b>   | City Council   |
| <b>On agenda:</b>     | 3/12/2019  | <b>Final action:</b> |   | <b>Final action:</b> | 3/12/2019  |
| <b>Title:</b>         | Consider an ordinance declaring unopposed candidate, canceling the May 4, 2019 general election in District 1. |                      |   |                      |  |
| <b>Sponsors:</b>      | City Secretary   |                      |   |                      |  |
| <b>Indexes:</b>       |  |                      |   |                      |  |
| <b>Code sections:</b> |  |                      |   |                      |  |
| <b>Attachments:</b>   | 1. Staff Report, 2. Ordinance, 3. Presentation   |                      |   |                      |  |

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 3/12/2019 | 1    | City Council          | Approved | Pass   |
| 3/5/2019  | 1    | City Council Workshop |          |        |

Consider an ordinance declaring unopposed candidate, canceling the May 4, 2019 general election in District 1.

**DATE:** March 5, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Kathryn Davis, City Attorney

**SUBJECT:** Declaration of Unopposed Candidate, District 1 - May 4, 2019 Election

### **BACKGROUND AND FINDINGS:**

The Texas Election Code, Chapter 2, Section 2.051(b) provides that an election in a single-member district may be canceled if the candidate is unopposed, there are no write-in candidates and no proposition is to appear on the ballot.

On February 20, 2019, the City Secretary certified that Ms. Shirley Fleming is unopposed for election to the office of Council Member District 1, that no candidate's name is to be placed on a list of write-in candidates for the position of Council Member District 1, and that there are no propositions to appear on the ballot in the May 4, 2019 general election.

An ordinance has been prepared canceling the election in District 1 and declaring that Shirley Fleming - District 1 is elected to office and shall be issued a certificate of election following the time the election would have been canvassed. It also directs the City Secretary to cause an Order of Cancellation to be posted on Election Day at each polling place that would have been used in the election. With KISD and CTC having

contested races, polling locations will remain operational on Election Day in District 1 at no cost to the city.

**THE ALTERNATIVES CONSIDERED:**

Cancel the Council Member District 1 election or hold the Council Member District 1 election.

**Which alternative is recommended? Why?**

It is recommended to cancel the Council Member District 1 election, as not conducting the election is a cost savings method.

**CONFORMITY TO CITY POLICY:**

Cancelling a district election is allowed by state law and is, therefore, in conformity with city policy.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

There is no expenditure to the city for costs associated with running the election in District 1, if it is canceled.

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

Staff recommends City Council approve the attached ordinance canceling the May 4, 2019 general election in District 1 and declaring Shirley Fleming - District 1 elected to office effective at the time of canvassing the results of the May 4, 2019 District 2, 3 and 4 elections.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Ordinance