

RESOLUTION 2013-33

A RESOLUTION OF THE CITY COMMISSION OF LA FERIA, CAMERON COUNTY, TEXAS, ORDERING A SPECIAL ELECTION IN THE CITY OF LA FERIA ON SATURDAY JANUARY 25, 2014, FOR THE PURPOSE OF ELECTING A MAYOR TO FILL A VACANCY OF THE MAYOR'S UNEXPIRED TERM WHICH WOULD HAVE EXPIRED IN MAY 2016, DESIGNATING POLLING PLACES, PROVIDING FOR DESIGNATION OF OFFICERS FOR SUCH ELECTION, ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION, AND PROVIDING FOR OTHER MATTERS RELATING TO THE SPECIAL ELECTION.

WHEREAS, the City of La Feria is a Home-Rule municipality located in Cameron County, Texas created in accordance with the provisions of Chapter 9 of the Texas Local Government Code and operating pursuant to enabling legislation of the State of Texas, the Home-Rule Charter and Code of Ordinances of the City of La Feria; and

WHEREAS, the City's Home Rule Charter, as amended by Charter Election in 2007, extended the Mayor, and City Commissioners terms of office to three years; and

WHEREAS, Article XI, Section 11 of the Texas Constitution provides that if any officers, elective or appointive, shall announce their candidacy, or shall in fact become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall not be filled by appointment, but must be filled by majority vote of the qualified voters at a Special Election for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur; and

WHEREAS, Mayor Steve Brewer who was duly elected Mayor on May 11, 2013 has announced that he is seeking the elective office of Cameron County Commissioner, Precinct 4, which announcement resulted in an "automatic resignation" and, thereby, created a vacancy in the office of Mayor of the City of La Feria with an unexpired term of approximately two and a half years (2 ½); and

WHEREAS, Saturday, January 25, 2014 falls within the 120 days of the occurrence of the vacancy,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of La Feria, Texas:

That notice is hereby given that a Special City Election will be held in and throughout the City of La Feria, Texas, on Saturday, January 25, 2014 at which there shall be submitted to the duly qualified resident electors of the City as to the election of a Mayor to fill the unexpired term which will expire in May 2016.

That the City Secretary is the early voting clerk for the election pursuant to Sec. 83.005 of the Election Code and that the City Secretary may appoint deputy early voting clerks to assist with early voting pursuant to Sec. 83.031 and Sec. 83.032.

That the City Secretary is hereby directed to cause notice to be given of said election by publication in a newspaper with a general circulation in La Feria, in accordance with the City Home Rule Charter and State Election Code and all necessary orders and writs for said election shall be issued by the proper authority.

That applications to have the name of a candidate placed on the ballot may be filed as prescribed by the State Election Code for filing applications with the City Secretary at City Hall, 115 East Commercial Avenue, La Feria, Texas and that the earliest date for a candidate to file same will be November 14, 2013, at 8:00 AM, with the last day for filing to be on the 62nd day before the election which falls on November 24, 2013 a Sunday, which action will be moved to Monday, November 25, 2013 at 5:00 PM (61st day), in accordance with Election Code Sec. 143.001, 143.004, 143.006, and 143.007 (a).

That the order in which the names of the candidates for each position are to be printed on the ballot shall be determined by a drawing of names to be conducted on Monday, December 2, 2013, at 6:30 PM.

That the election shall be held at the La Feria Fire Station on Saturday, January 25, 2014 during the hours of 7:00 AM to 7:00 PM.

That in accordance with Sec. 123.001 of the Texas Election Code, the use of the paper ballot is hereby adopted for the early voting and regular voting for the special election of January 25, 2014.

That the City of La Feria will use an ES&S Auto Mark Voter Assist Terminal, version 1.0.121 and Model 100 Scanner (Precinct Counter), version 5.0.0, both being state certified provided such machines are available through Cameron County, Texas, for the City's Special Election to be held on January 25, 2014 for the Early Voting period starting January 8, 2014 through January 21, 2014 and also on Election Day, January 25, 2014.

That the City Secretary shall serve as the General Custodian of election records for voting precincts.

That Mr. Mario Gonzales is hereby appointed Election Presiding Judge and Ms. Betty Jo Dunlap as Alternate Presiding Judge for said election:



John Hernandez, Commissioner



Victor Gonzalez, Jr., Commissioner



Angelica P. Baldivia, Commissioner

ATTEST:



Olga Oberwetter, City Secretary

APPROVED AS TO FORM:



Richard S. Talbert, City Attorney