

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. 1753

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, CANCELING A PORTION OF THE MAY 4, 2024, GENERAL ELECTION AND DECLARING THE UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Little Elm, Texas ("**Town**"), is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Town Charter; and

WHEREAS, by Ordinance No. 1749, duly passed and approved by the Town Council of the Town of Little Elm, Texas, on February 6, 2024, the Town ordered a general election for May 4, 2024, for the purpose of electing a Mayor (for a three-year term) and a Council Member of the Town of Little Elm, Texas, to Place 3 (for a three-year term); and

WHEREAS, the Town Secretary has certified in writing that the Mayoral candidate is unopposed for the election to office for Mayor; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of a write-in candidacy for the Mayor and Council candidates has passed; and

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

WHEREAS, the Town Council hereby finds that the Mayoral candidate for the May 4, 2024, General Election should be declared to be elected to office, and that this portion of the May 4, 2024, General Election, should be canceled.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. - INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. - CANCELATION OF ELECTION

The Mayoral race for the May 4, 2024, General Election is hereby canceled. The Place 3 race will appear on the ballot.

SECTION 3. - DECLARATION OF ELECTION TO OFFICE

The following candidate is unopposed in the May 4, 2024, General Election, and is hereby declared to be elected to serve for the terms indicated below for the following offices:

Mayor – Curtis J. Cornelious for a three -year term;

He shall be issued a certificate of election on or after May 4, 2024.

SECTION 4. - OATH OF OFFICE AND EXERCISE OF DUTIES

The candidate elect so named in Section 3 of this Ordinance shall be administered the Oath of Office at Little Elm Town Hall and may exercise the duties of office immediately upon swearing in to office.

SECTION 5. - DIRECTIONS TO TOWN SECRETARY

The Town Secretary is hereby directed to post a copy of this Ordinance at all Election Day polling sites on Election Day, May 4, 2024.

SECTION 6. - CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in forces at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

SECTION 7. - SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 8. - ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Little Elm is hereby directed to engross and enroll this Ordinance by filing this Ordinance in the ordinance records of the Town.

SECTION 9. - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas this the 5th day of March, 2024.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

APPROVED AS TO FORM:

Robert F. Brown, Town Attorney