

**RESOLUTION NO. 2010-09**

**A RESOLUTION OF THE CITY OF ROCKPORT DECLARING UNOPPOSED CANDIDATES IN THE MAY 8, 2010 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE SATURDAY, MAY 8, 2010 ELECTION; AND FINDING AND DECLARING THAT THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED WAS OPEN TO THE PUBLIC, THAT THE PUBLIC NOTICE OF TIME, PLACE, AND THE SUBJECT MATTER OF THE PUBLIC BUSINESS TO BE CONSIDERED WAS POSTED AS REQUIRED BY LAW, INCLUDING THIS RESOLUTION.**

**WHEREAS**, the General City Election was called for Saturday, May 8, 2010 for the purpose of electing members to the city council; and

**WHEREAS**, the city secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council to declare the candidates elected to office and cancel the election.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS:**

**Section 1:** The following candidates, who are unopposed in the Saturday, May 8, 2010, General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

**Charles Joseph "CJ" Wax – Mayor  
Leopoldo "Leo" R. Villa – Council Member Ward No. 2  
Adelaide H. Marlatt – Council Member Ward No. 4**

**Section 2:** That Saturday, May 8, 2010 General City Election is canceled, and the city secretary is directed to cause a copy of this Resolution to be posted on Election Day at each polling place that would have been used in the election.

**Section 3:** It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this resolution are severable, and if any phrase, clause, sentence, paragraph, or section of this Resolution is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution since the City Council would have enacted them without the invalid portion.

**Section 4.** The Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of



time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

**PASSED and ADOPTED** at a regular meeting of the Rockport City Council on this the 23<sup>rd</sup> day of MARCH 2010.



**CITY OF ROCKPORT, TEXAS**

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Todd W. Pearson, Mayor

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Irma G. Parker', is written over a horizontal line.

Irma G. Parker, City Secretary



**RESOLUTION NO. 2011-04**

**A RESOLUTION DECLARING THE WARD NO. 3 CANDIDATE UNOPPOSED IN THE MAY 14, 2011 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE WARD NO. 3 ELECTION; DIRECTING THE CITY SECRETARY TO CAUSE A COPY OF THIS RESOLUTION BE POSTED ON ELECTION DAY AT THE POLLING PLACED USED OR THAT WOULD HAVE BEEN USED IN THE ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED WAS OPEN TO THE PUBLIC, THAT THE PUBLIC NOTICE OF TIME, PLACE, AND THE SUBJECT MATTER OF THE PUBLIC BUSINESS TO BE CONSIDERED WAS POSTED AS REQUIRED BY LAW, INCLUDING THIS RESOLUTION.**

**WHEREAS,** the general city election was called for May 14, 2011, for the purpose of electing Council Members in Ward No.1 and No. 3 to the city council; and

**WHEREAS,** the city secretary has certified in writing at the March 22, 2011 Regular City Council Meeting that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy for Council Member Ward No. 3, and that the candidate for Council Member Ward No. 3 on the ballot are unopposed for office; and

**WHEREAS,** under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidate elected to office and the Ward No. 3 election cancelled.

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

**Section 1.** The following candidate for Council Member Ward No. 3, who is unopposed in the May 14, 2011, general election, is hereby declared elected and shall be issued a certificate of election following the time the election would have been canvassed:

**PAUL L. LIPPKE**

**Section 2.** The May 14, 2011 Ward No. 3 general city election is canceled and city secretary is directed to cause a copy of this Resolution be posted on Election Day at the polling placed used or that would have been used in the election [EC §2.053(a)].

**Section 3.** The Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

**PASSED and ADOPTED** at a regular meeting of the Rockport City Council on this the 12<sup>th</sup> day of APRIL 2011.

**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

**ATTEST:**

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Irma G. Parker, City Secretary

## RESOLUCIÓN N.º 2011-04

UNA RESOLUCIÓN EN QUE SE DECLARA ELECTO PARA EL CARGO AL CANDIDATO ÚNICO DEL DISTRITO N.º 3 EN LAS ELECCIONES MUNICIPALES GENERALES DEL 14 DE MAYO DE 2011; SE CANCELAN LAS ELECCIONES PARA EL DISTRITO N.º 3; SE ORDENA A LA SECRETARIA MUNICIPAL PUBLICAR UNA COPIA DE ESTA RESOLUCIÓN EL DÍA DE LAS ELECCIONES, EN EL SITIO DE VOTACIÓN USADO O QUE SE HUBIESE USADO PARA DICHAS ELECCIONES; Y SE FALLA Y DETERMINA QUE LA REUNIÓN EN LA CUAL SE APROBÓ ESTA RESOLUCIÓN ESTUVO ABIERTA AL PÚBLICO, Y QUE EL AVISO PÚBLICO DE LA HORA, EL LUGAR Y EL TEMA DE LA GESTIÓN PÚBLICA A SER CONSIDERADA FUE PUBLICADO COMO LO REQUIERE LA LEY, INCLUYENDO ESTA RESOLUCIÓN.

**CONSIDERANDO QUE:** Se convocaron las elecciones municipales generales para el 14 de mayo de 2011, con el fin de elegir miembros del Concejo Municipal en los Distritos N.º. 1 y N.º. 3; y

**CONSIDERANDO QUE:** La Secretaria Municipal ha certificado por escrito en la reunión regular del Concejo Municipal, llevada a cabo el 22 de marzo de 2011, que no hay ninguna proposición en la boleta de votación, que ninguna persona ha hecho una declaración de candidatura no oficial para Concejal del Distrito N.º. 3, y que el candidato para Concejal del Distrito N.º. 3 en la boleta es candidato único para la elección al cargo; y

**CONSIDERANDO QUE:** Bajo estas circunstancias, el Subcapítulo C, Capítulo 2 del Código Electoral, autoriza al Concejo Municipal a declarar electo a dicho candidato, y a cancelar las elecciones del Distrito N.º. 3.

**AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE ROCKPORT, TEXAS, RESUELVE QUE:**

**Sección 1.** El siguiente candidato para Concejal del Distrito N.º. 3, que es candidato único en las elecciones generales del 14 de mayo de 2011, es declarado electo para el cargo y se le expedirá un certificado de elección después de la hora en que se hubiese hecho el escrutinio de los votos de dichas elecciones:

**PAUL L. LIPPKE**

**Sección 2.** Se cancelan las elecciones municipales generales del Distrito N.º. 3 programadas para el 14 de mayo de 2011, y la Secretaria Municipal deberá sacar una copia de esta Resolución para publicarla el día de las elecciones en cada sitio de votación usado o que se hubiese usado en las elecciones [EC §2.053(a)].

**Sección 3.** El Concejo Municipal de Rockport determina y declara que la reunión en la cual se aprobó esta Resolución estuvo abierta al público, y que el aviso público de la hora, lugar y tema de la gestión pública a ser considerada se publicó como lo requiere la ley, incluyendo esta Resolución.

**APROBADA** en una reunión regular del Concejo Municipal de Rockport este día 12 de ABRIL de 2011.

**CIUDAD DE ROCKPORT, TEXAS**

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Charles J. Wax, Alcalde

**ATESTIGUA:**

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Irma G. Parker, Secretaria Municipal

## CITY COUNCIL AGENDA

Regular Meeting: Tuesday, March 22, 2011

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### AGENDA ITEM "D"

Deliberate and take action to accept Certification of Unopposed Candidate by the City Secretary for the May 14, 2011 General Election.

*Deliberar y tomar medidas para aceptar la Certificación de Candidatos Únicos, preparada por la Secretaria Municipal para las Elecciones Municipales Generales del 11 de mayo de 2011.*

SUBMITTED BY: City Secretary Irma Parker  
APPROVED FOR INCLUSION ON AGENDA: TJB (14)

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**SUMMARY STATEMENT:** As soon as possible after the deadline for declaration of write-in candidacy, if no candidate in the election is opposed on the ballot or by a declared write-in candidate, the city secretary must deliver to the city council a certification that each candidate for office is unopposed [EC §2.052]. Upon receiving the certification, the city council, may, declare the unopposed candidates elected to office, in which case the election is canceled [EC §2.053(a)]. Although the statute requires that the city secretary make the certification to the city council, the city council is given discretion in declaring unopposed candidates elected. The city council may hold the election regardless of the unopposed status of the candidates.

If the city council determines not to hold the election, the order declaring the unopposed candidates elected must be posted on election day at each polling place that would have been used in the election [EC §2.053(b)].

The statute provides that a certificate of election is issued to each candidate who is declared elected, "in the same manner and at the same time as provided for a candidate elected at the election" [EC §2.053(c)]. Candidates elected through cancellation must also qualify for office and take the oaths of office the same as candidates elected at an election.

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**STAFF RECOMMENDATION:** City Council accept Certification of Unopposed Candidate for the position of Council Member Ward 3 for the May 14, 2011 General Election.

CERTIFICATION OF UNOPPOSED CANDIDATES

I, Irma G. Parker, certify that I am the city secretary of the City of Rockport, Aransas County, Texas and the authority responsible for preparing the ballot for the May 14, 2011 General City Election. I further certify that no proposition is to appear on the ballot at the election, no person has made a declaration of write-in candidacy, and all of the following candidate is unopposed:

Paul L. Lippke – Council Member Ward 3

Dated this 22<sup>nd</sup> day of March, 2011.

\_\_\_\_\_  
Irma G. Parker, City Secretary  
City of Rockport

CERTIFICACIÓN DE CANDIDATOS ÚNICOS

Yo, Irma G. Parker, certifico que soy la secretaria municipal de la Ciudad de Rockport, Condado de Aransas, Texas, y que soy la autoridad responsable de preparar la boleta de votación para las Elecciones Municipales Generales del 14 de mayo de 2011. Además, certifico que ninguna proposición aparecerá en la boleta de votación, que ninguna persona ha hecho una declaración de candidatura no oficial, y que todos los candidatos con candidatos únicos:

Paul L. Lippke – Concejal del Distrito 3

Fechada este día 24 de marzo de 2011.

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Irma G. Parker, Secretaria Municipal  
Ciudad de Rockport

**RESOLUTION NO. 2011-09**

**A RESOLUTION AND ORDER OF CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SATURDAY, MAY 14, 2011 GENERAL ELECTION FOR THE ELECTED OFFICES OF COUNCIL MEMBER WARD NO. 1 AND COUNCIL MEMBER WARD NO. 3; PROVIDING OTHER MATTERS RELATING TO THE 2011 CITY OF ROCKPORT GENERAL ELECTION AND THE ARANSAS COUNTY INDEPENDENT SCHOOL DISTRICT GENERAL AND SPECIAL ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**WHEREAS,** in accordance with the general laws and Constitution of the State of Texas, and the City's Home Rule Charter at the Tuesday, January 11, 2011 Regular Meeting the City Council adopted Resolution No. 2011-01, a resolution ordering a General Election and establishing procedures for said election to be held on Saturday, May 14, 2011. The General Election was called for the purpose of electing a council member to represent ward #1 and a council member to represent ward #3.; and

**WHEREAS,** the City of Rockport and Aransas County Independent School District (ACISD) conducted a Joint Election on Saturday, May 14, 2011 for ACISD Trustee Place 1, Place 2, and Place 5 and a special election for issuance of bonds in an amount not to exceed \$26,800,000 for the construction, acquisition, renovation, and equipping of school buildings and the levying of a tax in payment thereof; and

**WHEREAS,** the U.S. Census Bureau reports the total population for the City of Rockport is 8,766. Aransas County Deputy Voter Registrar Joy Dias advised that the City's current voter registration list contained the following total registered voters:

<b>WARD #</b>	<b>REGISTERED VOTERS</b>
1	1,217
2	1,675
3	1,238
4	1,865
<b>Total</b>	<b>5,995</b>

WHEREAS, Aransas County Deputy Voter Registrar Joy Dias advised that the ACISD has 13,694 current, eligible voters.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS:

**Section 1.** That the May 14, 2011 General and Special Elections were duly called in accordance with the law in accordance with State Election Codes.

**Section 2.** The following votes were cast in the May 14, 2011 General and Special Election:

	Ward #1	ACISD
<b>REGISTERED VOTERS</b>	1,217	13,694
Paper Ballots - EV	72	459
Paper Ballots - ED	31	212
Machine - EV	121	867
Machine - ED	46	272
<b>TOTAL BALLOTS CAST</b>	270	1,810
<b>% of Voters</b>	22.19%	13.22%

**Section 3. William H. "Bill" Fisher,** candidate for Council Member Ward No. 1, is hereby declared elected to said respective office, subject to the taking of the oath of office as provided by the laws of the State of Texas and the Home Rule Charter. The votes cast in Ward No. 1 election are as follows:

	Early Voting	Election Day	Total
Fisher, Bill	142	48	190
Dieckow, Malcolm	40	25	65
Under Votes	11	4	15
Over Votes	0	0	0
	193	77	270

**Section 4.** On Tuesday, March 22, 2011 the City Secretary presented the 'Certification of Unopposed Candidate' to the City Council pursuant to EC §2.052. At the Tuesday, April 12, 2011 City Council meeting Resolution No. 2011-04, which declared the Ward No. 3 Candidate, **Paul L. Lippke,** elected to office and so ordered that he be issued a certificate of election following the time the election would have been canvassed was adopted. Said Resolution also cancelled the Ward No. 3 election.

**Section 5.** The ACISD Trustee Place 1, 2, and 5 were unopposed at the May 14, 2011 General Election. A total of 1,810 votes were cast in said election with results as follows:

	Early Voting	Election Day	Total Votes
Place 1 — Melanie S. Brewer	900	327	1,227
Place 2 — Jim Remley	930	344	1,274
Place 3 — June Ashley	836	305	1,141

**Section 6.** The ACISD Special Election for issuance of bonds in an amount not to exceed \$26,800,000 for the acquisition, renovation, and equipment of school buildings and the levying of a tax in payment thereof was approved by the voters as noted below:

FOR	AGAINST	UNDER VOTE	OVER VOTES	TOTAL VOTES CAST
1,288	510	14	2	1,810

**Section 7.** The Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

**PASSED and ADOPTED** at a special meeting of the Rockport City Council on this the 24<sup>th</sup> day of MAY2011.

**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

**ATTEST:**

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Irma G. Parker, City Secretary



**RESOLUTION NO. 2012-13**

**A RESOLUTION AND ORDER OF CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SATURDAY, MAY 12, 2012 GENERAL ELECTION FOR THE ELECTED OFFICES OF MAYOR, COUNCIL MEMBER WARD NO. 2 AND COUNCIL MEMBER WARD NO. 4; PROVIDING OTHER MATTERS RELATING TO THE 2012 CITY OF ROCKPORT GENERAL ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**WHEREAS,** in accordance with the general laws and Constitution of the State of Texas, and the Charter of the City, Resolution No. 2012-01 was adopted on January 24, 2012 ordering a General Election and establishing procedures for said election to be held on Saturday, May 12, 2012; and

**WHEREAS,** the General Election is to be held for the purpose of electing a mayor at-large, a Council Member to represent Ward No. 2 and a Council Member to represent Ward No. 4; and

**WHEREAS,** the city secretary certified in writing at the March 13, 2012 Council Meeting that there was no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that the mayoral candidate, Charles J. "C.J." Wax, is unopposed for election to office; and

**WHEREAS,** under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council to declare the candidate elected to office and the mayoral election cancelled with adoption of Resolution No. 2012-07; and

**WHEREAS,** the U.S. Census Bureau reports the 2010 Census Total for the City is 9,357 persons with 7,710 Voting Age Population. Aransas County Deputy Voter Registrar Joy Dias advised that the City's current voter registration list contains 6,090 Registered Voters. The breakdown of Census Totals, Total Voting Age Population (VAP) and Registered Voters by Ward is shown below:

Ward #	Census Totals	Total VAP	Registered Voters
1	2,325	1,909	1,250
2	2,337	1,774	1,335
3	2,314	1,978	1,846
4	2,381	2,049	1,659
Total	9,357	7,710	6,090

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS:**

**Section 1.** That the May 12, 2012 General Elections was duly called in accordance with the law in accordance with State Election Codes.

**Section 2.** The following votes were cast in the May 12, 2011 General Election:

	Ward #2	Ward #4
<b>REGISTERED VOTERS</b>	1,335	1,656
Early Voting	145	245
Election Day	64	66
<b>TOTAL BALLOTS CAST</b>	209	311
<b>% of Voters</b>	15%	18%

**Section 3.** At the Tuesday, March 13, 2012 meeting the City Council adopted Resolution No. 2012-07, which cancelled the mayoral election, declared the mayoral candidate, **Charles Joseph "C.J." Wax**, elected to office and so ordered that he be issued a certificate of election following the time the election would have been canvassed was adopted.

**Section 4.** **Joe David "J.D." Villa** candidate for Council Member Ward No. 2, is hereby declared elected to said respective office, subject to the taking of the oath of office as provided by the laws of the State of Texas and the Home Rule Charter. The votes cast in Ward No. 2 election are as follows:

	Early Voting	Election Day	Total
Villa, J.D.	82	32	114
Johnston, Shawn	63	32	95
Under Votes	1		
Over Votes			
<b>TOTAL</b>	145	64	209

**Section 5.** **Adelaide H. Marlatt**, candidate for Council Member Ward No. 4, is hereby declared elected to said respective office, subject to the taking of the oath of office as provided by the laws of the State of Texas and the Home Rule Charter. The votes cast in Ward No. 4 election are as follows:

	Early Voting	Election Day	Total
Shoemaker, Bob	104	33	137
Marlatt, Adelaide H.	141	33	174
Under Votes	1		1
Over Votes			
<b>TOTAL</b>	245	66	311

**Section 6.** The Rockport City Council hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

**PASSED and ADOPTED** at a special meeting of the Rockport City Council on this the 15<sup>th</sup> day of MAY 2012.



**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

**ATTEST:**

A handwritten signature in black ink, appearing to read "Irma G. Parker", is written over a horizontal line.

Irma G. Parker, City Secretary

