

**ORDINANCE NO. 2023-09-07-03**

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AUTHORIZING THE ELECTION OF UNOPPOSED CANDIDATES FOR THE POSITIONS OF THREE COUNCIL MEMBERS ON THE ROLLINGWOOD CITY COUNCIL AND CANCELLING THE NOVEMBER 7, 2023 GENERAL ELECTION; REQUIRING THE CITY SECRETARY TO POST A COPY OF THIS ORDINANCE AT EACH CITY OF ROLLINGWOOD POLLING PLACE; AUTHORIZING CERTIFICATES OF ELECTION TO BE ISSUED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, on July 19, 2023, the Rollingwood City Council issued an order calling for a General Election to be held in the City of Rollingwood on November 7, 2023 for the purpose of electing three City Council Members to the Rollingwood City Council; and

**WHEREAS**, on July 24, 2023, Brook Brown filed an application for a place on the City of Rollingwood ballot for Council Member; and

**WHEREAS**, on July 24, 2023, Phil McDuffee filed an application for a place on the City of Rollingwood ballot for Council Member; and

**WHEREAS**, on July 25, 2023, Alec Robinson filed an application for a place on the City of Rollingwood ballot for Council Member; and

**WHEREAS**, on August 17, 2023, Genie Nyer filed an application for a place on the City of Rollingwood ballot for Council Member; and

**WHEREAS**, on August 21, 2023, Amy Pattillo filed an application for a place on the City of Rollingwood ballot for Council Member; and

**WHEREAS**, the filing deadline for an application for a place on the City of Rollingwood ballot was August 21, 2023; and

**WHEREAS**, the filing deadline for an application for a place on the City of Rollingwood ballot as a write in was Friday August 25, 2023; and

**WHEREAS**, as of August 25, 2023, at 5:00 p.m. no individual had filed a declaration of write-in candidacy for a place on the ballot for City Council Member; and

**WHEREAS**, on August 25, 2023, Genie Nyer withdrew her candidacy from the November 7, 2023, election; and

**WHEREAS**, on August 28, 2023, Amy Pattillo withdrew her candidacy from the November 7, 2023, election; and

**WHEREAS**, on August 31, 2023, the City Secretary certified that the three candidates for City Council were unopposed, and a copy of this certification is attached as **Exhibit A**; and

**WHEREAS**, under these circumstances, Subchapter C, Section 2 of the Texas Election Code authorizes the City Council to declare the candidates elected to office and cancel that election.

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

**Section I.**

That the Rollingwood City Council hereby declares **Brook Brown** elected to the position of City Council Member of the City Council of the City of Rollingwood, Texas.

**Section II.**

That the Rollingwood City Council hereby declares **Phil McDuffee** elected to the position of City Council Member of the City Council of the City of Rollingwood, Texas.

**Section III.**

That the Rollingwood City Council hereby declares **Alec Robinson** elected to the position of City Council Member of the City of Rollingwood, Texas.

**Section IV.**

That the General Election for November 07, 2023, is cancelled.

**Section V.**

That the City Secretary shall post a copy of this ordinance on Election Day, November 7, 2023, at the polling places used or that would have been used in the election.

**Section VI.**

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

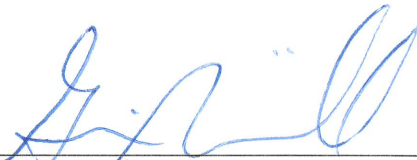
**Section VII.**

That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section VIII.**

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.


**PASSED & APPROVED this, the 7th day of September 2023, by a vote of 5 (ayes) to 0 (nays) and 0 (abstentions) of the City Council of Rollingwood, Texas.**



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Gavin Massingill, Mayor

ATTEST:



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Desiree Adair, City Secretary  
City of Rollingwood, Texas