

ORDINANCE NO. 2019-02-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON THE 4TH DAY OF MAY, 2019, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE PLACES AT WHICH SAID ELECTION IS TO BE HELD; APPOINTING THE EARLY VOTING CLERK; MAKING PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of McKinney, Texas ("City") has, on its own motion, determined to submit to the qualified voters of said City for their adoption or rejection thereof certain proposed amendments to the existing Home Rule Charter of said City ("City Charter"), pursuant to the provisions of Section 9.004 of the Texas Local Government Code, and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. That a special charter election is hereby ordered to be held on Saturday, May 4, 2019, between the hours of 7:00 a.m. and 7:00 p.m. in accordance with the applicable provisions of the Texas Election Code, and the City Charter of McKinney, Texas as amended.

Section 2. That an election be held for the purpose of submitting to the resident, qualified voters of the City of McKinney, Texas certain proposed amendments to the existing City Charter of the City of McKinney, Texas, as set forth in Section 3 of this Ordinance.

Section 3. Proposed Charter Amendments

That at the Election the following amendments to the City Charter shall be submitted to the resident, qualified voters of the City of McKinney, Texas:

PROPOSITION NO. 1

Shall Section 145 of the Charter be amended to read as follows:

Sec. 145. - Recall petitions.

The recall petition to be effective must be returned and filed with the City Secretary within forty-five (45) days after the filing of the affidavit required for initiative and referendum petitions, and it must be signed by qualified voters residing in any district, irrespective of the seat subject of the recall petition, of the City equal in number to at least thirty (30) percent of the total number of votes cast at the last regular municipal election; provided, however, that the petition shall contain the signatures of at least one thousand (1,000) of the qualified voters of the City and shall conform to the provisions of initiative and referendum petitions. No petition papers shall be accepted as part of petition unless it bears the signature of the City Secretary as required in initiative and referendum petitions.

PROPOSITION NO. 2

Shall Section 146 of the Charter be amended to read as follows:

Sec. 146. - Recall election.

The City Secretary shall at once examine the recall petition and, if the City Secretary finds it sufficient and in compliance with the provisions of this Chapter of the Charter, the City Secretary shall within five (5) days or at the next regular City Council meeting, whichever is later, submit it to the City Council with its office's certificate to that effect and notify the officer sought to be recalled of such action.

If the officer whose removal is sought does not resign within five (5) days after such notice, the City Council shall thereupon order and fix a date for holding a citywide recall election according to State law.

Section 4. The polling places are identified in Exhibit "A" attached hereto and incorporated herein by reference as a part hereof for all purposes. The election officers and maximum number of clerks for each polling place shall be determined and appointed in accordance with the provisions of an election services contract to be executed with the Collin County Elections Administrator.

Section 5. That the method of voting to be used in the general election on Saturday, May 4, 2019, be touch-screen devices with Premier Election Systems ACCUVOTE TS R7 v.4.6.4 direct recording devices (DRE's) for early voting and election day and optical-scan ballots with Premier Election Systems ACCUVOTE OS ROM v.2.0.12 for early voting by mail, in accordance with the Texas Election Code, as amended, so as to permit the electors to vote "Yes" or "No" on each of the individual Propositions. Said ballots shall have such provisions, marking, and language as may be required by law, and a summary of the Propositions shall be set forth on said ballots in substantially the following form and language:

OFFICIAL BALLOT

PROPOSITION NO. 1

YES
NO

Shall Section 145 of the City Charter be amended to provide for a reduction in the required petition signatures needed to initiate a recall election?

PROPOSITION NO. 2

YES
NO

Shall Section 146 of the City Charter be amended to clarify that recall elections are citywide?

Section 6. That the Collin County Elections Administrator Bruce Sherbet is hereby appointed Early Voting Clerk for the purpose of conducting early voting for the general election.

Section 7. That early voting by personal appearance be conducted beginning April 22, 2019 and shall close on April 30, 2019. During the lawful early voting by personal appearance period (April 22 through April 30, except April 28, 2019), Collin County Elections Administrator shall keep the designated early voting polling places open for early voting as follows:

Monday, April 22, 2019	8:00 a.m. to 5:00 p.m.
Tuesday, April 23, 2019	8:00 a.m. to 5:00 p.m.
Wednesday, April 24, 2019	8:00 a.m. to 5:00 p.m.
Thursday, April 25, 2019	8:00 a.m. to 7:00 p.m.
Friday, April 26, 2019	8:00 a.m. to 5:00 p.m.
Saturday, April 27, 2019	8:00 a.m. to 5:00 p.m.
Monday, April 29, 2019	7:00 a.m. to 7:00 p.m.
Tuesday, April 30, 2019	7:00 a.m. to 7:00 p.m.

- Section 8. That the official canvass, by the City Council, will be held on May 7, 2019 in the Council Chamber.
- Section 9. That this Ordinance shall be published at least one (1) time, not more than thirty (30) days nor less than ten (10) days before the election in the McKinney Courier Gazette and Celina Record.
- Section 10. That a Notice of Election shall be posted in accordance with state law, including a notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before election day.
- Section 11. That a copy of this Ordinance be delivered to the Collin County Clerk not later than the 60th day before election day.
- Section 12. That this Ordinance and all other related documents be printed in both English and Spanish in accordance with all legal requirements.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 5th DAY OF FEBRUARY, 2019.

 GEORGE C. FULLER
 Mayor

CORRECTLY ENROLLED:

 EMPRESS DRANE
 City Secretary

DATE: _____

APPROVED AS TO FORM:

 MARK HOUSER
 City Attorney

EXHIBIT A

EARLY VOTING LOCATIONS:

Polling Place	Address	City
Collin County Election Office (Main Early Voting Location)	2010 Redbud Blvd., #102	McKinney
Collin College Central Park Campus	2200 University Drive	McKinney
Collin College Higher Ed Center	3452 Spur 399	McKinney
McKinney Fire Station #5	6600 Virginia Parkway	McKinney
McKinney Performing Arts Center	111 N. Tennessee Street	McKinney

* City voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. City voters may vote at any Early Voting Location.

ELECTION DAY VOTING LOCATIONS:

Precincts	Location	Address	City
"VOTE CENTER"	Collin County Elections Office	2010 Redbud Blvd. #102	McKinney
"VOTE CENTER"	Collin College Central Park Campus	2200 University Drive	McKinney
"VOTE CENTER"	Collin College Higher Ed Center	3452 Spur 399	McKinney
"VOTE CENTER"	Evans Middle School	6998 Eldorado Parkway	McKinney
"VOTE CENTER"	McKinney City Hall	222 N. Tennessee Street	McKinney
"VOTE CENTER"	McKinney Fire Station #5	6600 Virginia Parkway	McKinney
"VOTE CENTER"	McKinney Senior Rec Center	1400 S. College St.	McKinney
"VOTE CENTER"	Slaughter Middle School	2706 Wolford Street	McKinney

*City voters may vote at any of the additional Election Day Vote Centers open under full contract services with the Collin County Elections Administration. City voters may vote at any Election Day Voting Location.