

**ORDINANCE NO. 2020-08-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RECONFIRMING AND AMENDING THE SPECIAL ELECTION SCHEDULED FOR NOVEMBER 3, 2020 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, THE RECALL AND REMOVAL OF A CITY COUNCIL MEMBER; AMENDING ORDINANCE 2020-03-023 TO ADD AND SUBMIT TO THE ELIGIBLE VOTERS OF THE CITY OF MCKINNEY, TEXAS A PROPOSITION ON WHETHER THE CITY OF MCKINNEY, TEXAS SHALL BE AUTHORIZED TO SELL CERTAIN PARK PROPERTY; AMENDING THE EARLY VOTING SCHEDULE; MAKING FINDINGS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on or about January 21, 2020, the City adopted Ordinance No. 2020-01-011 which, in part, ordered a special election for Saturday, May 2, 2020, to submit to the qualified voters of the City whether a member of the City Council shall be removed from or remain in office; and

**WHEREAS**, on or about March 24, 2020, pursuant to Governor Greg Abbott's March 18, 2020 proclamation suspending certain sections of the Texas Election Code, the City adopted ordinance No. 2020-03-023 postponing the special election scheduled for May 2, 2020 to Tuesday, November 3, 2020; and

**WHEREAS**, Section 253.001 of the Texas Local Government Code requires that land owned, held, or claimed as a park may not be sold unless the issue of the sale is submitted to the qualified voters of the City at an election and is approved by a majority of the votes received at the election; and

**WHEREAS**, Section 3.005(a) of the Texas Election Code requires the City to call the election at least sixty-two (62) days before the uniform election date by September 2, 2020; 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, THAT:**

- Section 1. All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.
- Section 2. Order Reconfirming and Amending the Propositions of the Special Election
- (a) The special election is set for the purpose of submitting to the qualified voters of the City of McKinney, Texas whether a member of the McKinney City Council shall be removed from or remain in office, and such special election is hereby reconfirmed for Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Ordinance.
  - (b) The special election is further amended and set for the purpose of submitting to the qualified voters of the City of McKinney, Texas the proposition of whether the City of McKinney, through its City Council, shall be authorized to sell certain park property, being 55.234 acres of land located approximately 0.6 miles east of State Highway 5 on Harry McKillop Blvd. and 0.25 miles south on Couch Drive, in the F.T. Duffau Survey, Abstract No. 287, McKinney,

Collin County, Texas for Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Ordinance.

- (c) The special election shall be held on Tuesday, November 3, 2020, 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 3. Special Election Ballot

- (a) At the special election, the following question shall be submitted to the qualified voters of the City of McKinney, Texas:

"Shall La'Shadion Shemwell be removed from the office of McKinney City Council Member (District 1) by recall?"

- (b) Immediately below such question there shall be printed the following propositions, one above the other, in the order indicated:

"For the recall of La'Shadion Shemwell"

"Against the recall of La'Shadion Shemwell"

- (c) At the special election, the following question shall be submitted to the qualified voters of the City of McKinney, Texas:

- (d) "Shall the City of McKinney, Texas be authorized to sell certain park property, being 55.234 acres of land located approximately 0.6 miles east of State Highway 5 on Harry McKillop Blvd. and 0.25 miles south on Couch Drive, in the F.T. Duffau Survey, Abstract No. 287, McKinney, Collin County, Texas?"

- (e) Immediately below such question there shall be printed the following propositions, one above the other, in the order indicated:

"Yes"

"No"

Section 4. Early Voting Clerk

The Collin County Elections Administrator Bruce Sherbet, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed Early Election Voting Clerk for the purpose of conducting early voting for the special election.

Section 5. Early Voting Schedule

Early voting by personal appearance shall be conducted beginning October 13, 2020 and shall close on October 30, 2020. During the lawful early voting by personal appearance period (October 13 through October 30), the Collin County Elections Administrator shall keep the designated early voting polling places open for early voting at follows:

Tuesday,	October 13, 2020.....	Pending
Wednesday,	October 14, 2020.....	Pending
Thursday,	October 15, 2020.....	Pending
Friday,	October 16, 2020.....	Pending
Saturday,	October 17, 2020.....	Pending
Sunday,	October 18, 2020.....	Pending
Monday,	October 19, 2020...8:00 a.m. to 5:00 p.m.	

Tuesday, October 20, 2020...8:00 a.m. to 5:00 p.m.  
Wednesday, October 21, 2020...8:00 a.m. to 5:00 p.m.  
Thursday, October 22, 2020...8:00 a.m. to 5:00 p.m.  
Friday, October 23, 2020...8:00 a.m. to 5:00 p.m.  
Saturday, October 24, 2020...7:00 a.m. to 7:00 p.m.  
Sunday, October 25, 2020...1:00 p.m. to 6:00 p.m.  
Monday, October 26, 2020...7:00 a.m. to 7:00 p.m.  
Tuesday, October 27, 2020...7:00 a.m. to 7:00 p.m.  
Wednesday, October 28, 2020..7:00 a.m. to 7:00 p.m.  
Thursday, October 29, 2020..7:00 a.m. to 7:00 p.m.  
Friday, October 30, 2020..7:00 a.m. to 7:00 p.m.

Section 6. Election Day & Early Voting Polling Places

- (a) 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.
- (b) All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Department, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

Section 7. Voting Method

The method of voting, the ExpressVote Universal Voting System, EVS 6.0.2.0 consisting of Electionware election management software, ExpressVote ballot marking device, ExpressTouch curbside voting device, DS200 precinct tabulator/scanner, DS450 high speed central scanner, and DS850 high speed central scanner, is hereby adopted for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Voting.

Section 8. Notice of Election

- (a) The Notice of Election, in accordance with Texas Election Code Section 4.003(a)(1), shall be published at least one (1) time, not earlier than thirty (30) days nor later than ten (10) days before the election day in the McKinney Courier Gazette and Celina Record newspapers.
- (b) The Notice of Election, in accordance with Texas Election Code Section 4.003(a)(2), shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election day.

Section 9. Canvass Returns of Election

- (a) The official canvass, by the City Council, will be held in accordance with Texas Election Code Section 67.003 between the third (3rd) and eleventh (11th) day after the election day.
- (b) The Notice of the Meeting to Canvass Election Returns will be posted at least seventy-two (72) hours before the scheduled time of the meeting in accordance with Texas Government Code Chapter 551.

Section 10. A copy of this Ordinance will be delivered to the Collin County Election Clerk not later than the 60<sup>th</sup> day before the election day.

Section 11. This Ordinance and all other related documents shall be printed in both English and Spanish in accordance with all legal requirements.

Section 12. Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, the following findings are incorporated by reference into this Ordinance: (1) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election whereas all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (2) the major relevant dates for the November 3, 2020, general election are as follows: applications for a ballot by mail—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 13, 2020, through October 30, 2020.

Section 13. This Ordinance shall become effective from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 4th DAY OF AUGUST, 2020.**

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

## EXHIBIT A

### EARLY VOTING POLLING LOCATIONS

<b>POLLING PLACE</b>	<b>ADDRESS</b>
Collin County Election Office (Main Early Voting Location)	2010 Redbud Blvd., Suite #102 McKinney, Texas 75069
Evans Middle School	6998 Eldorado Pkwy., McKinney, Texas 75070
McKinney Fire Station #5	6600 Virginia Pkwy., McKinney, Texas 75069
Slaughter Elementary School	2706 Wolford St., McKinney, Texas 75071
Webb Elementary School	810 E. Louisiana St., McKinney, Texas 75069

\*Qualified voters may vote at any Early Voting locations, including any additional Early Voting locations open under full contract services with the Collin County Elections Administration.

### ELECTION DAY POLLING LOCATIONS

<b>POLLING PLACE</b>	<b>ADDRESS</b>
Collin County Election Office	2010 Redbud Blvd., Suite #102 McKinney, Texas 75069
Evans Middle School	6998 Eldorado Pkwy., McKinney, Texas 75070
McKinney Fire Station #5	6600 Virginia Pkwy., McKinney, Texas 75069
Slaughter Elementary School	2706 Wolford St., McKinney, Texas 75071
Webb Elementary School	810 E. Louisiana St., McKinney, Texas 75069

\*Qualified voters may vote at any Election Day voting location, including any additional Election Day voting location open under full contract services with the Collin County Elections Administration.