

ORDINANCE NO. 2011-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON THE 8TH DAY OF NOVEMBER, 2011, 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 Tuesday, November 8, 2011, 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 the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; conform notice and publication requirements to state law; and revise references to repealed or obsolete provisions of state law?

PROPOSITION NO. 2

Shall the City Charter be amended to delete provisions, practices and policies which are no longer employed by the City of McKinney?

PROPOSITION NO. 3

Shall Section 9 of the Charter be amended to read as follows:

“There shall be held in the City of McKinney on the uniform election date in May 2013, and every four (4) years thereafter, or on such date or dates as may be prescribed by the laws of the State of Texas, a City election for a Mayor, a Council Member-at-large, a Council Member representing District 1, and a Council Member representing District 3. Any current office holder’s term shall be extended according to law until the uniform election date in May 2013 and thereafter until their successors are elected and qualified.

There shall be held in the City of McKinney on the uniform election date in May 2015, and every four (4) years thereafter, or on such other date or dates as may be prescribed by the laws of the State of Texas, a City election for a Council Member-at-large, a Council Member representing District 2, and a Council Member representing District 4. Any current office holder’s term shall be extended according to law until the uniform election date in May 2015 and thereafter until their successors are elected and qualified.

Each person duly elected to the position of Mayor or Council Member shall perform the duties and discharge the obligations conferred and imposed upon them, respectively, by the law, this Charter and by the City Ordinances of McKinney and shall hold their office for a period of four (4) years and until their successors are elected and qualified. Beginning with the 2013 election, and every election thereafter, each person duly elected to the position of Mayor or Council Member shall be allowed to hold any one position for a limit of two (2) consecutive, full four-year terms per position.”

- 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 Tuesday, November 8, 2011, 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.
- Section 6. That the Collin County Elections Administrator is hereby appointed Alternate 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 October 24, 2011 and shall close on November 4, 2011. During the lawful early voting by personal appearance period (October 24, 2011, through November 4, 2011), Collin County Elections Administrator shall keep the designated early voting polling places open for early voting as follows:

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| Monday, October 24, 2011 | 8:00 a.m. to 5:00 p.m. |
| Tuesday, October 25, 2011 | 8:00 a.m. to 5:00 p.m. |
| Wednesday, October 26, 2011 | 8:00 a.m. to 5:00 p.m. |
| Thursday, October 27, 2011 | 8:00 a.m. to 5:00 p.m. |
| Friday, October 28, 2011 | 8:00 a.m. to 5:00 p.m. |
| Saturday, October 29, 2011 | 8:00 a.m. to 5:00 p.m. |
| Monday, October 31, 2011 | 8:00 a.m. to 5:00 p.m. |
| Tuesday, November 1, 2011 | 8:00 a.m. to 5:00 p.m. |

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| Wednesday, November 2, 2011 | 8:00 a.m. to 5:00 p.m. |
| Thursday, November 3, 2011 | 7:00 a.m. to 7:00 p.m. |
| Friday, November 4, 2011 | 7:00 a.m. to 7:00 p.m. |

- Section 8. That the official canvass, by the City Council, will be held between November 16, 2011 and November 21, 2011 and at 6:00 p.m. 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.
- Section 10. That a copy of this Ordinance be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before election day (October 17, 2011).
- 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 6th DAY OF SEPTEMBER, 2011.

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK HOUSER
City Attorney

EXHIBIT A
ELECTION DAY VOTING LOCATIONS: