

ORDINANCE NO. 2021-02-XXX

AN ORDINANCE AMENDING CHAPTER 38, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, SECTION 38-7 "NOTICE TO OFFICIALS ELECTED; QUALIFICATION;" AND ARTICLE IV, "ELECTIONEERING," EXHIBIT A; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, City Charter, Chapter III, Section 8, establishes the term of office effective date for the Mayor and City Council Members; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), has authority, pursuant to Section 61.003 and Section 85.036 of the Texas Election Code, to enact reasonable regulations concerning the time, place, and manner of electioneering within the City limits; and

WHEREAS, the City Council now desires to amend the City's Code of Ordinances regarding the term starting date for Mayor and City Council Members, and the location of city-owned election polling places; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interests of its citizens and serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of McKinney.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 38 of the Code of Ordinances of the City of McKinney, Texas, entitled "Elections," Article I, "In General," Section 38-7 "Notice to Officials Elected; Qualification," is hereby amended, to read as follows:

"Sec. 38-7. Notice to officials elected; qualification.

It shall be the duty of the city secretary to notify all persons elected, and all newly elected officers shall enter upon their duties upon taking an oath of office and in accordance with term dates established by the City Charter. If any such officer fails to qualify within 30 days after his election, his office shall be deemed vacant and a new officer shall be selected as provided by law and the city Charter."

Section 3. From and after the effective date of this Ordinance, the **Exhibit A** of Article IV, "Electioneering" of the Code of Ordinances of the City of McKinney, Texas, Chapter 38, entitled "Elections," is hereby amended, as provided in Exhibit A of this Ordinance.

Section 4. The Code of Ordinances of the City of McKinney, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in

conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. It is the intention of the City Council that each phrase, clause, sentence, paragraph and section of this Ordinance is severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or void by any court of competent jurisdiction, such determination shall not affect any remaining phrase, clause, sentence, paragraph or section, since the same would have been enacted by the City Council without incorporating into this Ordinance such unconstitutional or void phrase, clause, sentence, paragraph or section.

Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 8. This Ordinance shall become effective immediately from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 2ND DAY OF FEBRUARY, 2021.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
JOSHUA STEVENSON, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney