

ORDINANCE NO. 2006-03-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADDING A CHAPTER 10, ARTICLE III, SECTION 10-40, OF THE CODE OF ORDINANCES, ESTABLISHING A PROCESS FOR THE TERMINATION OF CAMPAIGN TREASURER APPOINTMENTS FOR INACTIVE CANDIDATES OR POLITICAL COMMITTEES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, all candidates filing for a place on the ballot to run for City Council must appoint a campaign treasurer utilizing a Campaign Treasurer Appointment form (hereinafter referred to as "CTA form") prescribed by the Texas Ethics Commission; and

WHEREAS, the Texas Ethics Commission CTA form is filed with the City Secretary and maintained by the City of McKinney; and

WHEREAS, a campaign treasurer appointment may be terminated by the candidate in three (3) different ways: (1) the candidate files a final report; (2) the candidate appoints a new campaign treasurer; or (3) the campaign treasurer or candidate notifies the City of McKinney that the appointment is terminated; or may be terminated by the City of McKinney; and

WHEREAS, the CTA forms do not expire, but must be cancelled by the candidate after the campaign is over, or terminated by the City of McKinney; and

WHEREAS, section 252.0131(a) of the Texas Election Code, as amended in the 79th Legislative Session, provides that City Council by ordinance may adopt a process by which the City Secretary may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the City Secretary; and

WHEREAS, section 252.0131(b) of the Texas Election Code also provides that before the City Secretary may terminate a campaign treasurer appointment, the City Council must consider the proposed termination in a regularly scheduled open meeting.

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

SECTION 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances, City of McKinney, Texas, is hereby amended by adding a Chapter 10, Article III, Section 10-40, which Article and Section reads as follows:

"Article III. Inactive Campaign Treasurer Appointments

Sec. 10-40. Termination of Inactive Campaign Treasurer Appointments.

- (a) The City Secretary is authorized to terminate campaign treasurer appointments for inactive candidates or inactive political committees following the consideration of and vote by City Council, at a regularly scheduled meeting, to terminate the appointment.
- (b) The term "inactive candidate or political committee" for the purposes of terminating the candidate's or committee's campaign treasurer appointment means a candidate or political committee that:

- (1) has never filed or has ceased to file reports under Chapter 254 of the Texas Election Code, as amended;
- (2) in the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the City of McKinney; and
- (3) has not filed:
 - (A) a final report under Section 254.065 or 254.125 of the Texas Election Code, as amended; or
 - (B) a dissolution report under Section 254.126 or 254.159 of the Texas Election Code, as amended.
- (c) The City Secretary must send written notice by regular mail at least seven (7) days prior to the date of the regular City Council meeting at which time the City Council will consider the proposed termination of the candidate's or committee's campaign treasurer appointment. The written notice must state:
 - (1) the date, time, and place of the regular City Council meeting; and
 - (2) the effect of termination of the candidate's or committee's campaign treasurer appointment.
- (d) Following the vote to terminate the appointment, the City Secretary shall promptly notify the affected candidate or political committee by regular mail that the appointment has been terminated. The written notice must state the effective date of the termination.
- (e) If the City Council votes to terminate the appointment, the termination of a campaign treasurer appointment is effective on the 30th day after the date of the regular City Council meeting."

SECTION 3. SEVERABILITY CLAUSE

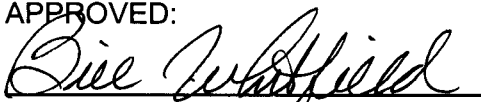
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. EFFECTIVE DATE

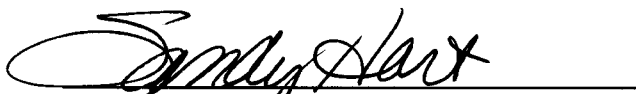
This Ordinance shall take effect immediately from and after its passage.

DULY PASSED BY THE CITY OF MCKINNEY, TEXAS, ON THE 7th DAY OF MARCH, 2006.

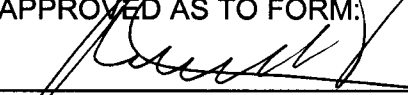
APPROVED:


BILL WHITFIELD, Mayor

ATTESTED TO:


SANDY HART, CMC, City Secretary
BEVERLY COVINGTON, Deputy City Secretary

APPROVED AS TO FORM:


MARK S. HOUSER, City Attorney