

ORDINANCE NO. 2019-05-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL CHARTER ELECTION OF MAY 4, 2019, AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the City Council of the City of McKinney, Texas, on its own motion, submitted 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, pursuant to the provisions of Section 9.004 of the Texas Local Government Code, and

**WHEREAS**, a special charter election was held on Saturday, May 4, 2019, in accordance with the applicable provisions of the Texas Election Code, and the City Charter of McKinney, Texas as amended; and

**WHEREAS**, the voters at said election approved Propositions F and G by the margins of votes cast as are further described in this Ordinance canvassing the election; and

**WHEREAS**, section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall convene not later than the eleventh (11<sup>th</sup>) day after the May election date for the purpose of canvassing the election results; and

**WHEREAS**, section 67.004(a) of the Texas Election Code, as amended, establishes the quorum level required to canvass election results; and

**WHEREAS**, a quorum of the City Council met on Wednesday, May 15, 2019, and duly canvassed the election returns of the above-mentioned election, hereby attached as **Exhibit A**; and

**WHEREAS**, the City Council desires to restate the Home Rule Charter in accordance with the charter election to include the textual changes that were authorized by the voters in said election.

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. That the City Council officially finds and determines an election was duly ordered to be held in the City of McKinney, Texas, on the 4<sup>th</sup> day of May, 2019, for the purpose of approving Propositions F and G, and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

Section 3. That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and the following votes were cast at said election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as **Exhibit A**, were made in accordance with the law.

Section 4. In accordance with the charter election of May 4, 2019, the affected sections of the City of McKinney Home Rule Charter shall be amended to read according to the text as copied and attached hereto as **Exhibit B**, incorporated herein as if fully set forth.

Section 5. A copy of the caption of this Ordinance shall be published one time in accordance with applicable law.

Section 6. This Ordinance shall be effective immediately upon passage and publication.

.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 15<sup>TH</sup> DAY OF MAY, 2019.**

---

GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

---

EMPRESS DRANE  
City Secretary

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

APPROVED AS TO FORM:

---

MARK HOUSER  
City Attorney

**EXHIBIT A**  
**CANVASS OF THE CITY OF MCKINNEY ELECTION**  
**AND SUMMARY OF ELECTION RESULTS**

**[SEE ATTACHED]**

## **EXHIBIT B**

### **CHARTER AMENDMENTS**

#### **Section 145 of the Charter shall 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.

#### **Section 146 of the Charter shall 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.