

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ORDERING A SPECIAL ELECTION ON A PROPOSED AMENDMENT TO THE HOME RULE CITY CHARTER OF THE CITY OF ALLEN TO BE HELD ON NOVEMBER 2, 2021; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; AUTHORIZING THE EXECUTION OF AN ELECTION CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has reviewed Section 2.01 A of the City Charter governing term limits for the office of Mayor and Councilmembers for the City of Allen and desires to amend and clarify such Section 2.01A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. An election is hereby ordered for November 2, 2021, for the hereinafter proposed amendments to the Charter of the City of Allen, Texas, contained in Exhibit “A” attached hereto and made a part of this Ordinance for all purposes, to be submitted to the qualified voters of the City for their approval or disapproval at an election to be held on November 2, 2021.

SECTION 2. Pursuant to the Joint Election Agreement, the Elections Administrator of Collin County shall serve as Elections Administrator for the election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve the authorized polling places and the early voting clerk and deputy early voting clerks shall be those election officials furnished by the Elections Administrator from the list of proposed election judges as required in the Elections Services Contract. The City Manager is hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the General Election on November 2, 2021. The City Manager or City Secretary shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. The ExpressVote Universal Voting System, EVS 6.0.2.0 consisting of Electionware election management software, ExpressVote ballot marking device, ExpressTough curbside voting device, DS200 precinct tabulator/scanner, DS450 high speed central scanner, and DS850 high speed central scanner, which meets the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail, election day voting, and provisional ballots. The election will be conducted in accordance with the Texas Election Code and the Joint Election Contract by and among the City, the County of Collin, and other units of government located in Collin County.

SECTION 3. In addition to any other notice of the election required by State law, notice of the election shall be posted on the bulletin board used to post notice of the City Council meetings, be published in a newspaper of general circulation published in the City, and include a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election. Said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day but before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record of the time of posting, starting date, and the place of posting.

SECTION 4. The Collin County precincts as designated by the County Elections Administration will be used for this Special Election and the Municipal Court Building, 301 Century Parkway, Allen, Texas, and Allen ISD Service Center, 1451 North Watters Road, Allen, Texas, are hereby designated as polling places. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the Election Contract.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

The Collin County Elections Office, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069, is hereby designated the main early voting place. Early voting by personal appearance shall also be conducted at Allen Municipal Court Building, 301 Century Parkway, Allen, Texas, and Allen ISD Service Center, 1451 North Watters Road, Allen, Texas.

City of Allen voters may vote at any of the additional Election Day or Early Voting locations open under full contract services with the Collin County Elections Administration. If the election services contract with the Collin County Elections Administrator revises the polling places listed previously, the City will utilize the polling places designated in said Election Services Contract, as the same may be amended from time to time.

Applications for ballot by mail shall be received and processed by the Collin County Elections Administrator, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on Friday, October 11, 2021.

Early voting for the Special Election shall begin on Monday, October 18, 2021, and end Friday, October 29, 2021, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be as set forth below:

Dates	Hours
Monday, October 18, 2021, through Friday, October 22, 2021	8:00 A.M. to 5:00 P.M.
Saturday October 23, 2021	7:00 A.M. to 7:00 P.M.
Sunday, October 24, 2021	1:00 P.M. to 6:00 P.M.
Monday, October 25, 2021, through Friday, October 29, 2021	7:00 A.M. to 7:00 P.M.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

SECTION 5. The City Secretary shall present the Election returns to the City of Allen City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 6. Each amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Allen, Texas.

SECTION 7. The ballot proposition for the proposed amendments to the Charter is as follows:

Proposition A

Shall Section 2.01A of the City Charter be amended to provide no person may serve more than three (3) consecutive elected terms as mayor, and no more than three (3) consecutive elected terms as council member for a total elected service as mayor and/or as a council member of eighteen (18) years?

Proposition B

Shall Section 2.01A of the City Charter be amended to provide that any council member or mayor, who is ineligible to be elected to city office because of the limitations on terms provided in Section 2.01A, shall remain ineligible to hold an elected city office for the

period following the expiration of the most recent term until the day prior to the next regular election for city officers, with the exception of a council member seeking the office of mayor or the mayor seeking the office of a council member?

SECTION 8. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 13TH DAY OF APRIL 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(PGS:3-28-21:TM 121047)

Shelley B. George, CITY SECRETARY

EXHIBIT "A"

TEXT OF AMENDMENTS FOR PROPOSITION A

Section 2.01A. - Term Limits.

No person shall serve as mayor for more than ~~three (3)~~ **two (2)** consecutive elected terms, and no person shall serve as a council member for more than ~~three (3)~~ **two (2)** consecutive elected terms. No person shall serve as ~~an elected~~ a member of the City Council, either as a council member or mayor for more than ~~18~~ **12** years. For purposes of this section to the City Charter and computing the limitations on terms:

- (1) A mayor or city council member, who vacates for any reason, city office before the end of the term for which he or she was elected, shall be considered to have completed that term.
- (2) An appointment or election to fulfill an unexpired council member term, or unexpired mayor term, shall be computed as follows:
 - (i) If fifty percent (50%) or more of the term is remaining, it shall be included as part of the computation of term limits: or
 - (ii) If less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

Any council member or mayor, who is ineligible to run for elected city office due to limitations on terms provided herein, shall remain ineligible to hold an elected city office for a period of one (1) full term following the expiration of the most recent term of city office, for which he or she was elected with the exception of a council member seeking the office of mayor or the mayor seeking the office of a council member.

TEXT OF AMENDMENTS FOR PROPOSITION B

Sec. 2.01A. – Term Limits.

No person shall serve as mayor for more than two (2) consecutive elected terms, and no person shall serve as a council member for more than two (2) consecutive elected terms. No person shall serve as a member of the City Council, either as a council member or mayor for more than 12 years. For purposes of this section to the City Charter and computing the limitations on terms:

- (1) A mayor or city council member, who vacates for any reason, city office before the end of the term for which he or she was elected, shall be considered to have completed that term.
- (2) An appointment or election to fulfill an unexpired council member term, or unexpired mayor term, shall be computed as follows:
 - (i) If fifty percent (50%) or more of the term is remaining, it shall be included as part of the computation of term limits: or
 - (ii) If less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

Any council member or mayor, who is ineligible to run for elected city office due to limitations on terms provided herein, shall remain ineligible to hold an elected city office for a ~~the~~ period of ~~time~~ **one (1) full term** following ~~between~~ the expiration of the most recent term of city office, for which he or she was elected

EXHIBIT “A”

until the day prior to the date of the next regular election for city officers with the exception of a council member seeking the office of mayor or the mayor seeking the office of a council member.