

**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 MAY 4, 2019; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AN AMENDMENT TO THE HOME RULE CITY CHARTER OF THE CITY OF ALLEN; AUTHORIZING THE EXECUTION AN ELECTION CONTRACT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has received a petition submitted by and signed by the requisite number of registered voters of the City of Allen pursuant to Texas Local Government Code Section 9.004 requesting an election be called for the next uniform election date for the voters of the City to vote “for” or “against” a proposed amendment to the Charter to provide for the term limits for the office of Mayor and Councilmembers for the City of Allen, Collin County, Texas;

**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 May 4, 2019, to be held jointly with the Allen Independent School District and City Municipal Officers election, for the hereinafter proposed amendment 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 May 4, 2019.

**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 Secretary is hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the Special Election on May 4, 2019. The City Secretary shall have further authority to approve any minor modifications as may be necessary in the best interest of the City. A voting system or systems meeting 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 and for election day voting.

**SECTION 3.** Notice of the Special Election shall be posted on the bulletin board used to post notice of the City Council meetings, the City’s website and be published in a newspaper of general circulation in the City. That said notice must be published at least once, not earlier than the 30th day nor later than the 10th day, before Election Day as provided in Section 4.003(a)(1) of the Texas Election Code. 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.

That the election on the proposed Charter amendment shall be conducted in accordance with contract between the City of Allen and the Collin County Elections Department (“the Election Contract”), for a special election to be held on May 4, 2019, which contract, and any amendments thereto, the City Secretary and the City Manager, or designee, is hereby authorized to negotiate and execute on behalf of the City.

**SECTION 4.** The entire City shall constitute one election precinct 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.

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 April 23, 2019.

Early voting for the Special Election shall begin on Monday, April 22, 2019, and end Tuesday, April 30, 2019, 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, April 22, 2019 through Wednesday, April 24, 2019	8:00 A.M. to 5:00 P.M.
Thursday, April 25, 2019	8:00 A.M. to 7:00 P.M.
Friday, April 26, 2019 and Saturday, April 27, 2019	8:00 A.M. to 5:00 P.M.
Monday, April 29, 2019 and Tuesday, April 30, 2019	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 Special 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 amendment to the Charter is as follows:

Proposition

Shall the Home Rule Charter of the City of Allen, Texas be amended to provide term limits for the mayor and council members consisting of: (i) no person may serve as a member of the city council either as mayor or as a council member for more than twelve (12) years; (ii) no person who has ever served twelve (12) or more years on the city council either as mayor or council member may be elected to the city council either as mayor or as a council member; (iii) no person may serve either as mayor or as a council member for more than two (2) consecutive terms with the exception that the mayor may run for the office of council member and a council member may run for the office of mayor, provided such person has not already served twelve (12) or more years on the city council; and (iv) a person ineligible to run for the office of mayor or council member because of having already served two (2) consecutive terms is eligible to run for the office of mayor or council member after the expiration of one full term following the expiration of the last elected term of office, provided such person has not already served twelve (12) or more years on the city council?

**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 12<sup>TH</sup> DAY OF FEBRUARY 2019.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(PGS:1-22-19:TM 105528)

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**Shelley B. George, CITY SECRETARY**

## EXHIBIT “A”

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 the 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.