

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF VOTING ON THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE TOWN OF ADDISON, TEXAS, AS AMENDED; DESIGNATING THE PLACES AT WHICH SAID ELECTION IS TO BE HELD; APPOINTING THE EARLY VOTING CLERK; PROVIDING FOR POSTING AND PUBLICATION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas, in the exercise of the discretion vested in it by the Constitution and laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code and having received the report of the Charter Commission has determined to submit for adoption or rejection, amendments to Addison's existing Home Rule Charter, at a special election to be held May 2, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. A special election is hereby ordered to be held on the 2nd day of May 2020, between the hours of 7:00 a.m. and 7:00 p.m., for adoption or rejection, of proposed amendments to the Home Rule Charter of the Town of Addison, Texas. Said election shall be held by the Dallas County Elections Administrator pursuant to a Joint Election Agreement and Contract for Elections Services, with respect to such Special Election as approved by the Town and the Dallas County Elections Administrator.

Section 3. The Election Day polling place where qualified voters shall cast ballots at such location in the Town of Addison, Texas, Special Election are as follows:

Fire Station 1: 4798 Airport Parkway, Addison, TX 75001-3364

Fire Station 2: 3950 Beltway Drive, Addison, TX 75001-4407

Election polls shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 4. PROPOSED CHARTER AMENDMENTS

Proposition 1. Amending various section of the Charter to provide clarification by changing “qualified voter” to “registered voter” because “qualified voter” is defined as a “registered voter” in the Texas Election Code.

Proposition 2. Amending various sections of the Charter to remove specific state law references and instead require that the City Council shall act in accordance with state law.

Proposition 3. Amending the title of Section 5.19 “Power to correct errors” to “Power to cancel taxes” to clarify what that section actually addresses.

Proposition 4. Amending Section 2.10 “Meetings of the City Council” to allow special meetings of the City Council to be called by three (3) councilmembers instead of four (4) as currently stated.

Proposition 5. Amending Section 2.10 “Meetings of the City Council” of the Charter of the Town of Addison, Texas, to allow special meetings of the City Council to be called by the City Manager.

If approved **Propositions 4 and 5** are approved, Section 2.10 would read as follows:

Section 2.10. - Meetings of the City Council.

The City Council shall hold at least one or more regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or three (3) Council members or the City Manager, giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.

Proposition 6. Amending the title of Section 11.23 “Rearrangement and numbering” to “Non-substantive changes” and amending Section 11.23 to provide ongoing authority for the city council, by ordinance, to make non-substantive changes for clarity, change terms of gender to gender-neutral terms and removing Section 11.18 “Gender clause.”

If approved, Section 11.23 would read as follows:

Section 11.23. – Non-substantive changes.

The City Council shall have the power, by ordinance, to:

- (a) renumber and rearrange all articles, sections, and paragraphs of the Charter, or any amendments thereto, as it shall deem appropriate; but, without changing the meaning or effect or any part hereof;
- (b) change references to state law included in this charter to reflect a recodification or renumbering of such laws by the Texas legislature, (but without changing the meaning or effect of any part hereof);
- (c) make non-substantive changes as needed for clarity; and
- (d) change words of gender to gender-neutral terms.

Upon the passage of any ordinance authorized in this section, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State.

Words of a singular number shall be held to include the plural and vice-versa, unless the context requires otherwise.

Proposition 7. Amending the title of Section 5.31 “General powers” to “General powers of taxation” to avoid confusion regarding the Town’s ability to levy taxes as authorized by state law and make clear it is not intended as a general grant of powers to the City Council.

If approved, Section 5.31 would read as follows:

Section 5.31. — General powers of taxation.

Unless otherwise provided by this Charter and by Ordinances passed hereunder, all property in the Town liable for taxation shall be assessed in accordance with the laws of the state insofar as applicable. In addition to the powers herein conferred with reference to the assessment and collection of taxes, the Town of Addison shall have and may exercise all powers and authority not prohibited by the laws of the State of Texas.

Proposition 8. Deleting Section 11.15 “Publicity of records” because the availability of records to the public is already governed by the Texas Public Information Act?

Proposition 9. Amending the Charter to remove outdated forms of petitions and simply require that all petitions conform with the requirements of state law.

Proposition 10. Amending the Charter to require that persons who sign a petition for candidacy for office or a ballot measure must include either their date of birth or voter registration number as required by the Texas Election Code.

This would apply to Section 8.03 – Nominations, Section 9.01. – Initiative, Section 9.05. – Referendum, and Section 10.02. – Petitions for recall.

Proposition 11. Amending Section 8.03 “Nominations” to provide that an individual may become a candidate for Mayor or City Council by petition only and remove the option for self-nomination.

Proposition 12. Amending Section 8.03 “Nominations” to increase to 25, the minimum number of signatures for a petition to place a candidate in nomination for a City Council office in accordance with state law.

Proposition 13. Amending Section 8.03 “Nominations” to increase to 50, the maximum number of signatures for a petition to place a candidate in nomination for a City Council office.

If **Propositions 11, 12 and 13** are approved, Section 8.03 would read as follows:

Section 8.03. – Nominations.

Any person having the qualifications required by this Charter and state law may be placed in nomination by a petition signed by at least twenty-five (25) and not more than fifty (50) registered voters, who shall be designated as their sponsors. No voter shall sign more than one petition, and should a voter do so, their signature shall be void except as to the petition first signed. With each signature shall be stated the place of residence of the signer, giving the street, number or other description sufficient to identify it and the signer’s date of birth or voter registration number.

Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary during the dates and by the deadlines set forth in state law.

Proposition 14. Deleting Section 11.24 “Town depository” because the selection and designation of a depository for the Town is exclusively governed by state law.

Proposition 15. Amending Section 2.08(f) “Powers of the City Council” to require members of the Planning and Zoning Commission and Board of Zoning Adjustment to be residents and registered voters of the Town.

Proposition 16. Amending Section 2.08(f) “Powers of the City Council” to state that no one may serve concurrently on the Planning and Zoning Commission and the Board of Zoning Adjustment.

If **Propositions 15 and 16** are approved, Section 2.08(f) would read as follows:

Section 2.08. – Powers of the City Council.

All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

...

f. Appoint members of the Planning and Zoning Commission and the Board of Zoning Adjustment who shall be residents and registered voters of the Town. No one may serve concurrently on both boards;

Proposition 17. Amending Section 7.04 “Planning and Zoning Commission” to change references to “City Zoning Commission” and “City Planning Commission” to the “Planning and Zoning Commission.”

If approved, Section 7.04 would read as follows:

Section 7.04 – Planning and Zoning Commission.

The City Council shall have the power and authority to appoint a Planning and Zoning Commission, in accordance with state law; and the City Council and the Town of Addison shall have the rights, privileges, powers, and authority, given, permitted and granted under state law, relative to zoning and planning in, for, and of, municipalities, and their environs.

Proposition 18. Amending the title of Section 5.11 “Bonds, warrants and other evidences of indebtedness” to read “Bonds, warrants and other debt matters.”

Proposition 19. Amending Section 5.11(1) “Bonds, warrants and other debt matters” to clarify that the Town is authorized to issue debt for economic development purposes.

If approved, Section 5.11(1) would read as follows:

Section 5.11. - Bonds, warrants and other debt matters.

1. *Power to issue.* In keeping with the Constitution of the State of Texas, and not contrary thereto, the Town of Addison, shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness for any public purpose, so long as not prohibited by state law, including but not limited to, bonds or other evidences of indebtedness to promote or finance economic development within the City.

Proposition 20. Amending Section 2.04 “Compensation” to remove the requirement that the City Council approve at a public meeting, any reimbursements to councilmembers for actual expenses incurred in the performance of official duties.

If approved, Section 2.04 would read as follows:

Section 2.04. – Compensation.

Compensation of members of the City Council shall be determined by the Council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of Mayor and/or Council members elected at the next regular election. Members of the City Council shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties.

Proposition 21. Amending Section 7.03 “Master plan” to change the wording “official master plan” to the “Comprehensive Plan.” and amending Section 7.03 to state that the City Council may amend the Comprehensive Plan by majority vote of the City Council members present at a Council meeting.

If approved, Section 7.03 would read as follows:

Section 7.03. – Comprehensive plan.

- a. The official Comprehensive Plan of the Town shall be used as a guide by the City Council and the city Planning and Zoning Commission for development of the Town with respect to land use, thoroughfares and streets, buffer zones, parks, and other matters affecting development.
- b. The Comprehensive Plan may be amended by majority vote of those members of the Council that are present at a council meeting, and such amendments shall be entered therein and shall become part thereof and of the official records of the Town.

Proposition 22. Amending Section 11.26 “Disaster clause” to remove the references to the “local Chamber of Commerce” and “Board of Trustees of the local school district” and instead direct that the Dallas County Judge appoint a commission, which shall include all surviving members of the City Council, in the event of a disaster when a quorum of the City Council cannot be assembled because of death or injury.

If approved, Section 11.26 would read as follows:

Section 11.26. – Disaster Clause.

In case of disaster when a legal quorum of the elected City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of the City Council or highest surviving City official, if no elected official remains, must within twenty-four (24) hours of such disaster, request the County Judge of Dallas County to appoint a five member commission, which shall include all surviving elected City officials, to govern the City, respond to the emergency and within fifteen (15) days of such disaster call a City election to be held as soon as practicable, or as provided in the Texas Election Code, for election of a required quorum, if for good reasons it is known that a quorum of the present City Council will never again meet.

Proposition 23. Amending Section 2.17 “Induction of Council into office” to clarify that the first meeting of the City Council following an election of members of the City Council shall be the meeting to canvass the election as provided by state law and the first order of business shall be to canvass the election, declare the results and seat the newly elected members.

If approved, Section 2.17 will read as follows:

Section 2.17. – Induction of Council into office.

The first meeting of the City Council following an election for one or more council offices, shall be to canvass the results of the election in accordance with state law. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the seating of such newly elected members of the Council following their oath of office.

Proposition 24. Amending Section 8.06 “Conducting and canvassing elections” to clarify that the first meeting of the City Council following a municipal election shall be the meeting to canvass the election and declare the results as provided by state law.

If approved, Section 8.06 will read as follows:

Section 8.06. – Conducting and canvassing elections.

Returns of all municipal elections shall be made by the election officers to the Council at the first City Council meeting following the election, which shall be the meeting to canvass the election and declare the results in accordance with state law.

Proposition 25. Deleting Section 11.27 “When provisions take effect” because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary.

Proposition 26. Deleting Section 11.30 “Ordinance, rules and regulations validated” because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary.

Section 5. BALLOT PROPOSITIONS

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that each voter may vote “For” or “Against” any amendment or amendments without voting “For” or “Against” all such amendments. Any non-substantive changes that need to be made for the ballot are hereby approved. A summary of the Propositions shall be set forth on said ballots in substantially the following form and language:

TOWN OF ADDISON – SPECIAL ELECTION

TOWN OF ADDISON PROPOSITION 1

Shall the Charter of the Town of Addison, Texas, be amended to provide clarification by changing “qualified voter” to “registered voter” because “qualified voter” is defined as a “registered voter” in the Texas Election Code?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 2

Shall the Charter of the Town of Addison, Texas, be amended in various sections to remove specific state law references and instead require that the City Council shall act in accordance with state law?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 3

Shall Section 5.19 “Power to correct errors” of the Charter of the Town of Addison, Texas, be renamed to “Power to cancel taxes” to clarify what that section actually addresses?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 4

Shall Section 2.10 “Meetings of the City Council” of the Charter of the Town of Addison, Texas, be amended to allow special meetings of the City Council to be called by three (3) councilmembers instead of four (4) as currently stated?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 5

Shall Section 2.10 “Meetings of the City Council” of the Charter of the Town of Addison, Texas, be amended to allow special meetings of the City Council to be called by the City Manager?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 6

Shall Section 11.23 “Rearrangement and numbering” of the Charter of the Town of Addison, Texas, be renamed to “Non-substantive changes” and amended to provide ongoing authority for the city council, by ordinance, to make non-substantive changes for clarity, change terms of gender to gender-neutral terms and remove Section 11.18 “Gender clause?”

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 7

Shall Section 5.31 “General powers” of the Charter of the Town of Addison, Texas, be renamed to “General powers of taxation” to avoid confusion regarding the Town’s ability to levy taxes as authorized by state law and make clear it is not intended as a general grant of powers to the City Council?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 8

Shall Section 11.15 “Publicity of records” of the Charter of the Town of Addison, Texas, be deleted because the availability of records to the public is already governed by the Texas Public Information Act?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 9

Shall the Charter of the Town of Addison, Texas, be amended to remove outdated forms of petitions and simply require that all petitions conform with the requirements of state law?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 10

Shall the Charter of the Town of Addison, Texas, be amended to require that persons who sign a petition for candidacy for office or a ballot measure must include either their date of birth or voter registration number as required by the Texas Election Code?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 11

Shall Section 8.03 “Nominations” of the Charter of the Town of Addison, Texas, be amended to provide that an individual may become a candidate for Mayor or City Council by petition only and remove the option for self-nomination?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 12

Shall Section 8.03 “Nominations” of the Charter of the Town of Addison, Texas, be amended to increase to 25, the minimum number of signatures for a petition to place a candidate in nomination for a City Council office in accordance with state law?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 13

Shall Section 8.03 “Nominations” of the Charter of the Town of Addison, Texas, be amended to increase to 50, the maximum number of signatures for a petition to place a candidate in nomination for a City Council office?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 14

Shall Section 11.24 “Town depository” of the Charter of the Town of Addison, Texas, be deleted because the selection and designation of a depository for the Town is exclusively governed by state law?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 15

Shall Section 2.08(f) “Powers of the City Council” of the Charter of the Town of Addison, Texas, be amended to require members of the Planning and Zoning Commission and Board of Zoning Adjustment to be residents and registered voters of the Town?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 16

Shall Section 2.08(f) “Powers of the City Council” of the Charter of the Town of Addison, Texas, be amended to state that no one may serve concurrently on the Planning and Zoning Commission and the Board of Zoning Adjustment?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 17

Shall Section 7.04 “Planning and Zoning Commission” of the charter of the Town of Addison, Texas, be amended to change references to “City Zoning Commission” and “City Planning Commission” to the “Planning and Zoning Commission?”

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 18

Shall Section 5.11(1) “Bonds, warrants and other evidences of indebtedness” of the Charter of the Town of Addison, Texas, be renamed to “Bonds, warrants and other debt matters”?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 19

Shall the Charter of the Town of Addison, Texas, be amended to clarify that the Town is authorized to issue debt for economic development purposes?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 20

Shall Section 2.04 “Compensation” of the Charter of the Town of Addison, Texas, be amended to remove the requirement that the City Council approve at a public meeting, any reimbursements to councilmembers for actual expenses incurred in the performance of official duties? Expenditures would still be approved by the City Council during the budgeting process and records would be available in accordance with open records requirements.

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 21

Shall Section 7.03 “Master plan” of the Charter of the Town of Addison, Texas, be amended to change the wording “official master plan” to the “Comprehensive Plan” since that is the name of the Town’s long-range planning document and to state that the City Council may amend the Comprehensive Plan by majority vote of the City Council members present at a Council meeting?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 22

Shall Section 11.26 “Disaster clause” of the Charter of the Town of Addison, Texas, be amended to remove the references to the “local Chamber of Commerce” and “Board of Trustees of the local school district” and instead direct that the Dallas County Judge appoint a commission, which shall include all surviving members of the City Council, in the event of a disaster when a quorum of the City Council cannot be assembled because of death or injury?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 23

Shall Section 2.17 “Induction of Council into office” of the Charter of the Town of Addison, Texas, be amended to clarify that the first meeting of the City Council following an election of members of the City Council shall be the meeting to canvass the election as provided by state law and the first order of business shall be to canvass the election, declare the results and seat the newly elected members?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 24

Shall Section 8.06 “Conducting and canvassing elections” of the Charter of the Town of Addison, Texas, be amended to clarify that the first meeting of the City Council following a municipal election shall be the meeting to canvass the election and declare the results as provided by state law?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 25

Shall Section 11.27 “When provisions take effect” on the Charter of the Town of Addison, Texas, be deleted because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary?

- FOR
- AGAINST

TOWN OF ADDISON PROPOSITION 26

Shall Section 11.30 “Ordinance, rules and regulations validated” of the Charter of the Town of Addison, Texas, be deleted because it only applied to the initial Home Rule Charter election in 1979 and is now unnecessary?

- FOR
- AGAINST

Section 6: EARLY VOTING BY PERSONAL APPEARANCE

Early voting by personal appearance begins on Monday, April 20, 2020 and ends on Tuesday, April 28, 2020 during the hours listed below:

- Monday, April 20, 2020 – 8:00 a.m. to 5:00 p.m.
- Tuesday, April 21, 2020 – 8:00 a.m. to 5:00 p.m.
- Wednesday, April 22, 2020 – 8:00 a.m. to 5:00 p.m.
- Thursday, April 23, 2020 – 8:00 a.m. to 5:00 p.m.
- Friday, April 24, 2020 – 8:00 a.m. to 5:00 p.m.
- Saturday, April 25, 2020 – 8:00 a.m. to 5:00 p.m.
- Sunday, April 26, 2020 – 1:00 a.m. to 6:00 p.m.
- Monday, April 26, 2020 – 7:00 a.m. to 7:00 p.m.

Tuesday, April 27, 2020 – 7:00 a.m. to 7:00 p.m.

Early voting by personal appearance shall be held at Addison Fire Station 1- 4798 Airport Parkway, Addison, TX 75001-3364. Qualified voters of the City may vote at any of the additional early voting locations open under full contract services with the Dallas County Elections Administration.

Section 7. EARLY VOTING BY MAIL

The Dallas County Elections Administrator is hereby appointed as Early Voting Clerk. Applications for a ballot by mail shall be delivered to the early voting clerk, Toni Pippins-Poole, Dallas County Elections Administrator, 1520 Round Table Drive, Dallas, TX 75247. Applications for ballots by mail must be received no later than the close of business on April 21, 2020.

Section 8. ELECTION OFFICERS

The election officers for each polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator for said election on May 2, 2020.

Section 9. METHOD OF VOTING

Voting on the date of the Election and early voting shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code (“Code”), as amended. The specific voting machines to be used shall be provided by Dallas County in accordance with the Joint Election Agreement and Contract for Elections Services with the Dallas County Elections Administrator.

Section 10. NOTICE OF ELECTION

The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election. The Special Election Notice is attached hereto as **EXHIBIT A**.

Section 11. GOVERNING LAW

The election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in said Election. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

Section 12. EFFECTIVE DATE

This ordinance shall take effect from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS** on this 13th day of February, 2020.

ATTEST:

Joe Chow, Mayor

Irma Parker
City Secretary

Exhibit A

(insert special election notice)