

**ORDINANCE NO. O20-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER AT THE SPECIAL ELECTION HELD ON TUESDAY, NOVEMBER 3, 2020; ADOPTING AMENDED HOME-RULE CHARTER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City Council (the “City Council”) of the Town of Addison, Texas (the “Town”) on August 11, 2020 ordered that a Special Election to amend the Home Rule Charter (the “Election”) be held within the Town on November 3, 2020, for the purpose of submitting to the resident qualified electors of the Town the propositions hereinafter set forth; and

**WHEREAS,** Notice of Special Election and proposed Amendments were duly published in the Dallas Morning News on Friday, October 9 and 16, 2020 and posted on the bulletin board at Town Hall; and

**WHEREAS,** The City Council has investigated all matters pertaining to the Election, including Ordinance No. O20-37 calling the Special Election, giving notice, appointing officers, holding and making returns of the Election; the election officers who held the Election have duly made the returns of the results thereof; and said returns have been duly delivered to the City Council to conduct the official canvass of the returns thereof; and

**WHEREAS,** Upon the consideration of the returns of the Election, it is hereby found and determined that the same was held in accordance with the authorizing proceedings and was in all respects legally held after due notice had been given, and the returns duly and legally made, along with other instruments; and

**WHEREAS,** The Official Canvass of the Returns of the November 3, 2020 Special Home Rule Charter Election showed the following results:

<b><u>PROPOSITION A</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION B</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION C</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION D</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION E</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION F</u></b>	Votes FOR:
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?”	Votes AGAINST:

<b><u>PROPOSITION G</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION H</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION I</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION J</u></b>	Votes FOR:
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?	Votes AGAINST:

<b><u>PROPOSITION K</u></b>	Votes FOR:
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?	Votes AGAINST:

<p align="center"><b><u>PROPOSITION L</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION M</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION N</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION O</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION P</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION Q</u></b></p> <p>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?”</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION R</u></b></p> <p>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”?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION S</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION T</u></b></p> <p>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.</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION U</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION V</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION W</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION X</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION Y</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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<p align="center"><b><u>PROPOSITION Z</u></b></p> <p>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?</p>	<p>Votes FOR:</p> <p>Votes AGAINST:</p>
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**TOTAL BALLOTS CAST IN THE NOVEMBER 3, 2020 SPECIAL ELECTION:** \_\_\_\_\_

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and are adopted by the City Council as part of its legislative findings.

**SECTION 2.** The City Council, having canvassed the returns of said Special Election and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made as presented herein.

**SECTION 3.** Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code and the Town of Addison Home-Rule Charter, the City Council finds, determines, and declares the results of said Special Election to be that Propositions **A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z** having been approved by a majority of the qualified voters of the Town who voted in the Charter Amendment Election and that said amendments are adopted by operation of law pursuant to Texas Local Government Code Section 9.005(a). It is further found and declared that Propositions **A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z** failed to receive a majority of the votes cast for it in such Special Election.

**SECTION 4.** This order declares the amendments adopted and said amendments shall take effect upon the passage of this order, as provided by Section 9.005(b) of the Texas Local Government Code, as amended. Furthermore, the City Secretary shall record in the Office of the City Secretary the Charter amendments adopted by the voters of the Town. The City Secretary with assistance of the City Attorney shall prepare an ordinance amending the Home Rule Charter indicating the approval of the qualified voters of the Town of said amendments for future action by the City Council.

**SECTION 5.** It is further ordered that as soon as practicable the Mayor shall certify to the Texas Secretary of State an authenticated copy of the new Town Charter under the municipality's seal, showing approval by the voters of the municipality, who shall then file and record the certification, as required by Texas Local Government Code Section 9.007.

**SECTION 6.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed. Any remaining portions of conflicting ordinances shall remain in full force and effect.

**SECTION 7.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION 8.** This Ordinance shall become effective from and after its adoption and publication.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the 10<sup>th</sup> day of NOVEMBER 2020.

**TOWN OF ADDISON, TEXAS**

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Joe Chow, Mayor

Reviewed/Prepared/Approved by law offices of **Messer,  
Fort & McDonald**

**ATTEST:**

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Irma G. Parker, City Secretary