ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF RICHARDSON TO BE HELD ON NOVEMBER 6, 2012; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF RICHARDSON; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH DALLAS COUNTY AND COLLIN COUNTY ELECTIONS DEPARTMENTS, AS APPLICABLE; 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 Richardson 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" proposed amendments to the Charter to provide for the direct election of the office of Mayor for the City of Richardson;

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

SECTION 1. That an election is hereby ordered for November 6, 2012, for the hereinafter proposed amendments to the Charter of the City of Richardson, 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 6, 2012.

SECTION 2. That 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 in the City, and include a substantial copy of the proposed amendments. That 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 and no later than 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 such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 3. That the election on the proposed Charter amendments shall be conducted in accordance with contracts between the City of Richardson and the Dallas County and Collin County Elections Departments, respectively ("the Election Contracts"), for a special election to be held on November 6, 2012, which contracts, and any amendments thereto, the City Manager, or designee, is hereby authorized to negotiate and execute on behalf of the City.

SECTION 4. That the City Secretary shall present the election returns to the City of Richardson City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 5. That early voting by personal appearance may be conducted at either the Richardson Civic Center/City Hall, 411 W. Arapaho Road, or at any of the other branch locations established by the Election Contracts. Early voting by personal appearance will be conducted beginning October 22, 2012, and continue through November 2, 2012, at the times and locations specified in the Joint Election Contracts.

SECTION 6. That in accordance with Section 123.001 of the Texas Election Code, the Direct Record and Optical Scan Voting Systems approved by the Secretary of State are hereby adopted for the election on November 6, 2012.

SECTION 7. That pursuant to the Election Contracts, the County Elections Administrators shall serve as Election Administrators for the election. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve at said polling places shall be those election officials furnished by the respective Elections Administrators from the list of proposed elections judges listed in an attachment to the Election Contracts.

SECTION 8. That in compliance with Section 271.006 of the Texas Election Code, the City Secretary is Early Voting Clerk. The County Elections Administrators are appointed as

Chief Deputy Early Voting Clerks. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting by personal appearance at the branch locations.

SECTION 9. That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract and the Presiding Judge and Alternate Presiding Judge of the Early Voting Board shall be the election officials listed in the Election Contracts.

SECTION 10. That 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 Richardson, Texas.

SECTION 11. The ballot propositions for the proposed amendments to the Charter are as follows:

Proposition

> Shall the Home Rule Charter of the City of Richardson, Texas be amended to provide for the direct election of the Mayor of the City of Richardson, Texas by amending Article 3, Section 3.01(a), Section 3.02, Section 3.03, Section 3.07, Article 4, Section 4.02, Section 4.05, Section 4.06, Section 4.08 and Article 5, Section 5.01, Section 5.02, and Section 5.03 of the Home Rule Charter of the City of Richardson, Texas?

SECTION 12. That 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 13. That 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 by the City Council of the City of Richardson, Texas, on the 30th day of July, 2012.

APPROVED:

_____

MAYOR

CORRECTLY ENROLLED:

_____

CITY SECRETARY

APPROVED AS TO FORM:

_____

CITY ATTORNEY
(PGS:7-26-12:56344)

EXHIBIT "A"

ARTICLE 3. – CITY COUNCIL

Section 3.01. – Number, election, terms.

(a) Except as otherwise provided by this Charter of the City of Richardson, all powers conferred on the City shall be exercised by a City Council to be composed of ~~seven (7) members~~ six (6) members and a Mayor, nominated and elected in the manner hereafter provided. The members of the City Council and the Mayor shall be elected by the qualified voters of the entire City, and they shall each be elected for a term of two (2) years and until a successor is elected and qualified.

(b) No person elected or appointed to the city council at the May 2009 city officer election or thereafter, shall serve as a member of the city council in any place for more than six (6) consecutive terms until at least one full term shall have elapsed from the expiration of such person's last term of office.

(c) For purposes of this section and in computing term limits:

(i) A member of the council, who resigns or vacates office prior to the expiration of the term for which such person was elected or appointed, shall be deemed to have served a full term.

(ii) A person appointed or elected to fill a vacancy on the council for an unexpired term shall be deemed to have served a full term if fifty percent (50%) or more of such term is remaining at the time of such appointment or election.

Section 3.02. – Mayor.

~~The city council shall, as soon as practicable after the election, elect one (1) of its members as presiding officer, who shall be known as the mayor of the city.~~ The Mayor shall be the presiding officer. The mayor shall vote on all matters coming before the council, shall have no power of veto, shall represent the city on all ceremonial occasions and [shall] be known as the official head of the government. The mayor ~~shall be selected after each biennial election, and shall~~ serve for a period of two (2) years. ~~subject to removal as mayor at any time by a vote of two-thirds of the total membership of the council.~~

Section 3.03. – Mayor pro tem

The city council shall elect one (1) of its members as mayor pro tem, who shall perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of office, and who shall for such time be vested with all the powers belonging to the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining councilmembers shall select one (1) of their members to act in the place of the mayor. The mayor pro tem shall be selected after each biennial election and shall serve for a period of two (2) years, subject to

removal as mayor pro tem at any time by a vote of two-thirds of the total membership of the council. Upon a vacancy in the Mayor's position, the Mayor Pro Tem shall fill the unexpired term. The Mayor Pro Tem's council position then becomes vacant.

Section 3.07. – ~~Vacancies.~~ Councilmember Vacancies.

Vacancies in the city council, where the same do not exceed two (2) at any one time, shall be filled by a majority vote of the remaining members of the council, and the persons selected to fill such vacancies shall serve only until the next general city council election. A vacancy filled [,] as in the case of an original election, shall be only for the unexpired period of the term of the councilmember whose office is to be filled. Where more than two (2) vacancies shall develop at any one time, then a special election shall be called to elect their successors to fill their unexpired terms; provided, that if such vacancies shall occur within sixty (60) days before a general city council election, then no special election to fill such vacancies shall be called[;] but in that event[,] the remaining members of the Council shall, by a majority vote, fill such vacancies; and the persons so selected shall serve only until the next general city council election, when such vacancies shall be filled, as in the case of an original election.

ARTICLE 4. – NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

Section 4.01. – Number and description of districts.

The city is hereby divided into four (4) districts, known as Districts 1, 2, 3 and 4. All boundaries described below are the centerlines of designated streets.

- District No. 1 lies east of US-75. The southern boundary is the southern city limit; the eastern boundary is the eastern city limit; the northern boundary starting at the eastern limit of the city is Belt Line Road, west to Plano Road, north on Plano Road to the extension of Lookout Drive, and west on the extension of Lookout Drive to US-75, and includes all of the city lying within the described boundaries.

- District No. 2 lies east of US-75. The southern boundary is the northern boundary of District No. 1, the eastern boundary is the eastern city limit, and the northern boundary is the northern city limit.

- District No. 3 lies west of US-75. The southern boundary is the southern city limit. The western boundary is the western city limit, and the northern boundary starting at US-75 is Arapaho Road, west to the west fork of Cottonwood Creek, north on Cottonwood Creek to Campbell Road, and west on Campbell Road to the western city limit.

- District No. 4 lies west of US-75. The southern boundary is the northern boundary of District No. 3, and the western boundary is the western city limit, and the northern boundary is the northern city limit.

EXHIBIT "A"

Section 4.02. – Designated places.

The places of the several councilmembers shall be designated as Places No. 1, 2, 3, 4, 5, and 6. Councilmembers in Places 1, 2, 3 and 4, shall reside in their correspondingly numbered districts and remain in that district for the period of time that they serve in that place. The Mayor (Place 7) and Councilmembers in Places 5 and 6, ~~and 7~~ may reside in any district. The council place for the Mayor shall be designated as Place 7. All ~~seven (7)~~ six (6) councilmembers and the Mayor shall be elected by all of the qualified voters of the city.

Section 4.03. – District revisions.

The city council shall appoint a commission [,] starting in January 1992 and every ten (10) years thereafter [,] to review the district boundaries in order to maintain a substantial equality of population in each district. They shall advise the city council, who shall within six (6) months of appointment fix the boundaries by ordinance, if necessary. The commission shall be made up of voters from all the districts of the city.

Section 4.04. – Qualifications.

Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of the member's election a registered voter, a resident of the city for one (1) year previous to the date of election, twenty-one (21) years of age, and shall not be in arrears in the payment of any taxes or other liabilities due the city.

Section 4.05. – Election date.

The city council general election shall be held biennially in the City of Richardson in each odd-numbered year in the second quarter on a date prescribed by state law. There shall be elected at that election ~~seven (7)~~ six (6) city councilmembers and the Mayor.

Section 4.06. – Nomination by petition.

The method of determining the names of the candidates entitled to be placed upon the official ballot for the position of Mayor and members of the city council shall be by petition, separately circulated, on behalf of each proposed candidate for the position of councilmember, and must be signed by the number of qualified voters as required by state law and filed with the city secretary not less than the number of days prescribed by state law prior to the election. Signers of such petitions shall write their residence address, county of registration, date signed, printed name and otherwise as prescribed by state law. Each petition circulated on behalf of each proposed candidate shall designate the place to be filled by such candidate. In all elections the name of each candidate shall appear on the official ballot for the place number designated on the petition. No candidate's name shall be placed on the official ballot unless requested by a petition as set out above.

EXHIBIT "A"

Section 4.07. – Official ballot.

The city secretary shall make up the official ballot by place numbers from the names presented. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the city secretary. The election shall be held in conformity with the election laws in the City of Richardson and the State of Texas, or with those that may be hereafter enacted. All members of the city council shall be elected by a vote of the qualified voters of the City of Richardson at large. All qualified voters in the city shall be entitled to vote for candidates for each place number.

Section 4.08. – Election by Majority.

The candidate for Mayor and councilmember receiving a majority of all votes cast as provided in the Charter hereof for the position of Mayor and councilmember under the place number which that person's name appears shall be declared the duly elected Mayor and councilmember to hold such position. If no candidate for Mayor or a place shall receive a majority of all votes cast in an election, a runoff election shall be called for that place.

Section 4.09. – Runoff election.

a. *Candidates.* If no candidate for Mayor or a place on the city council receives a majority of votes cast for that place, the mayor of the city shall, according to state law, issue a call for a second election to be held on the day as authorized by state law. The two (2) candidates receiving the highest number of votes for a given place shall gain a place on the runoff election. Tie candidates in the general election shall be treated as specified by state law.

b. *Ballot.* The official ballot to be used at the runoff election shall be prepared by the city secretary. The order on the ballot shall be determined by a drawing.

c. *Withdrawal.* If either candidate in a runoff shall withdraw, that candidate shall make a request to the city secretary as specified by state law. If a runoff candidate withdraws, the remaining candidate is considered to be elected and the runoff election for that place is not held.

Section 4.10. – Tie election.

In the event of a tie in the vote for the two (2) leading candidates for a place on the city council at the first election, a runoff election shall be held as provided for in the Charter. If a tie occurs between the two (2) candidates for a place on the city council in the runoff election, they shall cast lots to determine who shall be elected to office.

EXHIBIT "A"

ARTICLE 5. – RECALL OF CITY COUNCILMEMBERS

Section 5.01. – Recall of Mayor and city councilmembers.

The Mayor and ~~A~~any councilmember of this city may be recalled and removed from office by the electors qualified to vote.

Section 5.02. – Procedure.

a. A petition demanding the recall of the Mayor and/or a councilmember shall be filed with the city secretary, provided that such petition shall contain a complete statement of the grounds for which the removal is sought.

b. The petition shall be signed by qualified voters equal in number to at least ten (10) percent of the entire number of persons entitled to vote in the city, as appears on the county clerk's rolls.

c. Notice shall be given in writing to the city secretary by five (5) registered voters on the first day that such petition is circulated, and the total signatures required must be secured and the petition filed within thirty (30) days thereafter.

d. The signatures to the petition need not all be appended to one (1) paper., For a petition signature to be valid a petition must contain, in addition to the signature: the signer's printed name, residence address, county of residence, date of signing, and [must] comply with any other applicable requirements prescribed by state law. One (1) of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated.

e. Within ten (10) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters. The city secretary shall attach to said petition a certificate showing the result of such examination.

f. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall, within ten (10) days after such amendment is filed, in the event one is filed, make like examination of the said amended petition, and if the certificate shall show the petition to be insufficient, it shall be returned to the person filing same, without prejudice to the filing of a completely new petition based upon new and different grounds, but not upon the same grounds.

g. If the petition is found to be sufficient, the city secretary shall without delay submit it and the certificate declaring the petition to be sufficient to the city council. The city council, in the event that the Mayor or councilmember fails to

resign, shall order and set an election to be held within forty-five (45) [to] sixty (60) days from submission to the city council. If an election is to be held within the city for any other purpose within forty-five (45) [to] sixty (60) days of submission to the city council, the election shall be held on the same day. If state law authorizes a fixed date which falls within the forty-five (45) [to] sixty (60) days of submission to the city council, the election shall be held on that day.

h. If the Mayor or councilmember in question resigns, no election shall be necessary and the vacancy shall be filled by the council as in other cases of vacancies.

Section 5.03. – Appeal.

Should the city council fail or refuse to order an election as herein provided for the recall of the Mayor or a councilmember, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the Charter, then it shall be the duty of any one of the district judges of Dallas County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this article of the Charter.