



ORDINANCE 2021-01-00930
[Ordering the May 1, 2021 Special Election]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO THE QUALIFIED VOTERS OF THE CITY FOR THE PURPOSE OF SUBMITTING PROPOSED AMENDMENTS TO THE CITY HOME RULE CHARTER; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; DESIGNATING LOCATION OF POLLING PLACE; ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AUTHORIZING EXECUTION OF JOINT ELECTION AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUCAS COLLIN COUNTY, TEXAS, THAT:

Section 1. A Special Election is hereby ordered to be held in and throughout the City of Lucas, Texas, on May 1, 2021, at which time there shall be submitted to the qualified voters of the City the following Propositions for amendments to the Home Rule Charter of the City of Lucas:

PROPOSITION A

The Proposition ballot language shall read:

“Shall Section 3.02(2) and 3.02(3) of the City Charter be amended to remove the transitional provisions that established the staggered terms upon adoption of the Charter and replace with language stating the Mayor and Councilmembers shall be elected and serve staggered terms of three (3) years.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION B

The Proposition ballot language shall read:

“Shall Section 3.03(1) of the City Charter be amended to further clarify the requirement for holding office to prohibit a councilmember from holding another position of emolument, except as authorized by state law and if a councilmember is convicted of a felony or a crime involving moral turpitude such member shall immediately forfeit such office.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION C

The Proposition ballot language shall read:

“Shall Section 3.03(3) of the City Charter be amended to remove a provision that is surplus language as it relates to the filing of an application for a declaration of candidacy that states the City Hall shall not remain open to the general public after such time to accept ballot applications.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION D

The Proposition ballot language shall read:

“Shall Section 3.13(7) of the City Charter be amended to provide for members appointed to the planning and zoning commission, the zoning board of adjustments and other such boards, committees, commissions and directors to corporations shall have been a resident for a minimum of twelve (12) months at the time of their appointment.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION E

The Proposition ballot language shall read:

“Shall Section 4.01 of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint a City Manager.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION F

The Proposition ballot language shall read:

“Shall Section 4.03(9) of the City Charter be amended to remove the requirement that the City Manager is to provide a written report no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the city council.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION G

The Proposition ballot language shall read:

“Shall Section 4.05 of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Manager.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION H

The Proposition ballot language shall read:

“Shall Section 5.01(1) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the City Secretary.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION I

The Proposition ballot language shall read:

“Shall Section 5.01(4) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Secretary.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION J

The Proposition ballot language shall read:

“Shall Section 5.02(1) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the Municipal Judge.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION K

The Proposition ballot language shall read:

“Shall Section 5.02(4) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the Municipal Judge.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION L

The Proposition ballot language shall read:

“Shall Section 5.03(1) of the City be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to appoint the City Attorney.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION M

The Proposition ballot language shall read:

“Shall Section 5.03(6) of the City Charter be amended to remove a provision that is no longer necessary which required prior to 2009 four (4) affirmative votes of the City Council to remove the City Attorney.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION N

The Proposition ballot language shall read:

“Shall Section 6.03(1)(A) of the City Charter be amended to reference that the maximum ad valorem tax rate shall be as provided under the laws of the State of Texas.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION O

The Proposition ballot language shall read:

“Shall Section 7.01 of the City Charter be amended to reference the authority of the City to borrow money for public purposes only as allowed by the laws of the State of Texas.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION P

The Proposition ballot language shall read:

“Shall Section 9.01 (1) of the City Charter be amended to exclude from the Initiative process salaries of City officers or employees.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION Q

The Proposition ballot language shall read:

“Shall Section 10.01 of the City Charter be amended to reflect current state and federal law regarding franchise utilities that occupy the public right-of-way.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

PROPOSITION R

The Proposition ballot language shall read:

“Shall Section 12.01 of the City Charter be amended to remove language that is no longer necessary regarding the procedure for the adoption of the initial Charter and retitle Article XII “Amendment and Review of Charter” and renumber the Sections accordingly.”

FOR THE PROPOSITION _____ AGAINST THE PROPOSITION _____

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 and City Secretary are hereby authorized to execute an Elections Services Contract with the Collin County Elections Department for the General Election on May 1, 2021. 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 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.

Section 4. The entire City shall constitute one election precinct for this election and the Lucas Community Center located at 665 Country Club Road, Lucas, Texas is hereby designated the polling place. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the Contract.

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

Early voting by personal appearance shall also be conducted at the Lucas Community Center located at 665 Country Club Road, Lucas, Texas. City of Lucas voters may vote at any of the additional 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 20, 2021.

Early voting for the Special Election shall begin on Monday, April 19, 2021, and ends Tuesday, April 27, 2021, and the dates and hours designated for early voting by personal appearance at the early voting locations shall be determined in accordance with the provisions of the Contract.

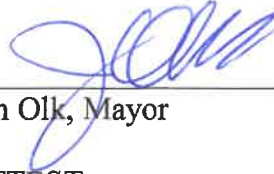
For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

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

Section 6. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Lucas, and it is accordingly so ordained.

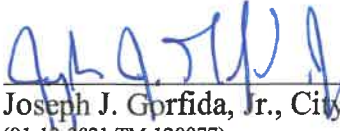
**DULY PASSED AND APPROVED BY THE CITY COUNSEL OF THE CITY OF LUCAS,
COLLIN COUNTY, TEXAS, ON THIS 21st DAY OF JANUARY, 2021.**

APPROVED:



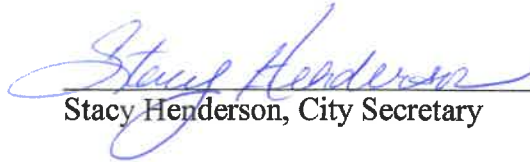
Jim Olk, Mayor

APPROVED AS TO FORM:



Joseph J. Gorfida, Jr., City Attorney
(01-12-2021:TM 120077)

ATTEST:



Stacy Henderson, City Secretary

