CITY OF FRISCO, TEXAS **ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, COLLIN AND DENTON COUNTIES, TEXAS, AMENDING SECTION 2 (SPECIAL ELECTION ORDERED), SECTION 3 (EARLY VOTING) AND SECTION 5 (FILING DEADLINES) OF ORDINANCE NO. 16-11-94 (ORDERING SPECIAL ELECTION FOR JANUARY 14, 2017) TO MODIFY THE DATE OF THE ELECTION, THE DATES FOR EARLY VOTING AND THE DATES FOR THE CANDIDATE FILING PERIOD; ORDERING THE SPECIAL ELECTION TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR AND THE DENTON COUNTY ELECTIONS ADMINISTRATOR ON FEBRUARY 18, 2017, FOR THE PURPOSE OF FILLING A VACANCY IN THE OFFICE OF CITY COUNCIL, PLACE NO. 1, RESULTING FROM THE RESIGNATION OF THE CURRENT HOLDER OF PLACE NO. 1; ORDERING AMENDED NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, City Council of the City of Frisco, Texas ("City Council") previously adopted Ordinance No. 16-11-94, which ordered a special election to be held within the City of Frisco, Collin and Denton Counties, Texas ("Frisco") on January 14, 2017, for the purpose of filling a vacancy in the office of City Council, Place No. 1, resulting from the holder of that office announcing his candidacy for mayor of Frisco; and

WHEREAS, the special election is required by Article XI, Section 11 of the Texas Constitution, the Texas Election Code and Section 3.06 of the Frisco City Charter; and

WHEREAS, after the adoption of Ordinance No. 16-11-94, the Collin County Elections Administrator and the Denton County Elections Administrator have stated that they cannot provide full services to administer the special election on January 14, 2017 because of inadequate staffing and the unavailability of necessary resources; and

WHEREAS, the City Council has investigated and determined that it is therefore necessary to amend Ordinance No. 16-11-94, to modify the date of the election, the dates for early voting and the dates for the candidate filing period, as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Section 2 (Special Election Ordered) of Ordinance No. 16-11-94. Section 2 (Special Election Ordered) of Ordinance No. 16-11-94 is hereby amended as follows:

"SECTION 2: Special Election Ordered. A special election ("Election") is hereby ordered to be held on February 18, 2017 ("Election Day"), for the purpose of electing one Council Member to fill the remaining term of office for Place No. 1. The Election shall be administered by the Collin County Elections Administrator and the Denton County Elections Administrator. The Collin County Elections Administrator shall administer the Election for the Collin County portion of Frisco, and the Denton County Elections Administrator shall administer the Election for the Denton County portion of Frisco. Frisco voters shall vote in the county in which they are registered."

SECTION 3: Amendment to Section 3 (Early Voting) of Ordinance No. 16-11-94. Section 3 (Early Voting) of Ordinance No. 16-11-94 is hereby amended as follows:

"SECTION 3: Early Voting.

Collin County Voters: Early voting by personal appearance shall be available at: Collin College, Preston Ridge Campus, 9700 Wade Blvd., Frisco, Texas 75034; Fire Station No. 8, 14700 Rolater Rd., Frisco, Texas 75035; or the Collin County Elections Office, 2010 Redbud Blvd., #102, McKinney, Texas 75069, which is designated as the main early voting polling place. Early voting will begin on Wednesday, February 1, 2017, and continue through Tuesday, February 14, 2017 during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Saturday, February 11, 2017 from 8:00 a.m. to 5:00 p.m.; Thursday, February 9, 2017 from 7:00 a.m. to 7:00 p.m.; Monday, February 13, 2017 from 7:00 a.m. to 7:00 p.m.; and Tuesday, February 14, 2017 from 7:00 a.m. to 7:00 p.m. Applications for ballots by mail shall be requested from and mailed to the Collin County Elections Office, Attn. Bruce Sherbet, Elections Administrator, 2010 Redbud Blvd. #102, McKinney, Texas 75069, bsherbet@co.collin.tx.us. Applications for ballots by mail must be received no later than the close of business on February 7, 2017.

Collin County voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administrator, which may be designated after November 15, 2016. The previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change.

Denton County Voters: Early voting by personal appearance shall be available at: Fire Station No. 4, 4485 Cotton Gin Road, Frisco, Texas 75034; Fire Station No. 7, 330 W. Stonebrook Parkway, Frisco, Texas 75034; or the Denton County Elections Office, 701 Kimberley Drive, Denton, Texas 76208, which is designated as the main early voting polling place. Early voting will begin on Wednesday, February 1, 2017, and continue through Tuesday, February 14, 2017 during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Saturday, February 11, 2017 from 8:00 a.m. to 5:00 p.m.; Thursday, February 9, 2017 from 7:00 a.m. to 7:00 p.m.; Monday, February 13, 2017 from 7:00 a.m. to 7:00 p.m.; and Tuesday, February 14, 2017 from 7:00 a.m. to 7:00 p.m. Applications for ballots by mail shall be requested from and mailed to the Denton County

Elections Office, Attn. Lannie Noble, Elections Administrator, 701 Kimberley Drive, Denton, Texas 76208, lannie.noble@dentoncounty.com. Applications for ballots by mail must be received no later than the close of business on February 7, 2017.

Denton County voters may vote at any of the additional Early Voting locations open under full contract services with the Denton County Elections Administrator, which may be designated after November 15, 2016. The previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change."

SECTION 4: Amendment to Section 5 (Filing Deadlines) of Ordinance No. 16-11-94. Section 5 (Filing Deadlines) of Ordinance No. 16-11-94 is hereby amended as follows:

"SECTION 5: Filing Deadlines. Candidates must file for a specific place and adhere to the filing deadlines. Candidate packets are available in the City Secretary's Office, 6101 Frisco Square Blvd., Frisco, Texas 75034. The candidate filing periods for the Election are as follows:

Beginning: November 16, 2016 at 8:00 a.m.
Ending: December 19, 2016 at 5:00 p.m."

SECTION 5: Election Notices. 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 and to amend any previously published or posted notices in accordance with the modifications set forth herein.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional and/or invalid.

SECTION 7: Savings/Repealing. Ordinance No. 16-11-94 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This order for an election becomes effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 21st day of November, 2016.

_____
Maher Maso, Mayor

ATTESTED AND CORRECTLY RECORDED:

_____
Jenny Page, City Secretary

APPROVED AS TO FORM:

_____
Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*