

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, COLLIN AND DENTON COUNTIES, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF FRISCO CERTAIN PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF FRISCO, IN CONJUNCTION WITH THE CITY OF FRISCO GENERAL ELECTION AND BOND ELECTION ON MAY 4, 2019, AND ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR AND THE DENTON COUNTY ELECTIONS ADMINISTRATOR; DESIGNATING EARLY VOTING POLLING PLACES AND HOURS; DESIGNATING ELECTION DAY POLLING PLACES AND HOURS; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; PROVIDING FOR THE APPOINTMENT OF ELECTION JUDGES; AUTHORIZING THE MAYOR AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”), on its own motion, duly authorizes and hereby orders a special election to be held within the City of Frisco, Collin and Denton Counties, Texas (“Frisco”), on May 4, 2019, for the purpose of submitting to the qualified voters of Frisco certain proposed amendments to the existing Home Rule Charter of Frisco (“City Charter”), pursuant to and in accordance with Section 9.004 of the Texas Local Government Code and Section 11.06 of the City Charter; and

WHEREAS, the City Council has investigated and determined that Frisco has complied with all legal requirements for ordering the special election.

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: Special Election Ordered. A special election (“Election”) is hereby ordered to be held on Saturday, May 4, 2019 (“Election Day”), for the purpose of submitting to the qualified voters of Frisco certain proposed amendments to the existing City Charter, as set forth in Section 3 of this Ordinance. The Election shall be held in conjunction with the Frisco General Election and Bond Election on Election Day. The proposed amendments to the City Charter shall be submitted to the qualified voters in the form of ballot propositions as set forth in Section 4 of this Ordinance. 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: Proposed Charter Amendments. At the Election, the proposed amendments to the City Charter, attached hereto as Exhibit A and incorporated as if fully set forth herein, shall be submitted to the qualified voters of Frisco in the form of ballot propositions as set forth in Section 4 of this Ordinance.

SECTION 4: Official Ballot Propositions. The proposed amendments to the City Charter shall be submitted to the qualified voters of Frisco at the Election on ballots in the form of propositions set forth in Exhibit B, attached hereto and incorporated as if fully set forth herein, in conformance with the requirements of the Texas Election Code.

SECTION 5: 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; Maus Middle School, 12175 Coit Rd., Frisco, Texas 75035; Hunt Middle School, 4900 Legendary Dr., Frisco, Texas 75034; 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 Monday, April 22, 2019, and continue through Tuesday, April 30, 2019, during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Thursday, April 25, 2019 from 8 a.m. to 7 p.m.; Saturday, April 27, 2019 from 8:00 a.m. to 5:00 p.m.; Monday, April 29, 2019 from 7:00 a.m. to 7:00 p.m.; and Tuesday, April 30, 2019 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 April 23, 2019.

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 February 15, 2019. This 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; Griffin Middle School, 3703 Eldorado Parkway, Frisco, Texas 75033; 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 Monday, April 22, 2019, and continue through Tuesday, April 30, 2019, during the normal working hours of 8:00 a.m. to 5:00 p.m., with extended voting hours on Saturday, April 27, 2019 from 8:00 a.m. to 5:00 p.m.; Monday, April 29, 2019 from 7:00 a.m. to 7:00 p.m.; and Tuesday, April 30, 2019 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: Frank Phillips, Elections Administrator, 701 Kimberley Drive, Denton, Texas 76208, frank.phillips@dentoncounty.com. Applications for ballots by mail must be received no later than the close of business on April 23, 2019.

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 February 15, 2019. The previous sentence shall also be posted in the Notice of Election. Early voting times and locations are subject to change.

SECTION 6: Election Day Voting.

Collin County Voters: Election Day voting by personal appearance shall be at the following locations, and any of the additional Election Day Vote Centers open under full contract services with Collin County Elections Administrator, from 7:00 a.m. to 7:00 p.m.

City Precinct No.	Collin County Precinct No.	Address
2	30, 92, 111, 177	Hunt Middle School 4900 Legendary Drive Frisco, Texas 75034
3	134, 212, 220, 225	Maus Middle School 12175 Coit Road Frisco, Texas 75035
7	101, 117, 118, 127, 146	Collin College, Preston Ridge Campus 9700 Wade Boulevard Frisco, Texas 75034
8	87	Fire Station No. 8 14700 Rolater Road Frisco, Texas 75035

Denton County Voters: Election Day voting by personal appearance shall be at the following locations, according to voter precincts, from 7:00 a.m. to 7:00 p.m.:

City Precinct No.	Denton County Precinct No.	Address
1	1029, 1030, 1031, 1040, 1049, 1050, 1051	Griffin Middle School 3703 Eldorado Parkway Frisco, Texas 75033
4	1035	Hicks Elementary School 3651 Compass Drive Frisco, Texas 75034

5	1032, 1036	Fire Station No. 7 330 W. Stonebrook Parkway Frisco, Texas 75034
6	1033, 1034, 1052	Fire Station No. 4 4485 Cotton Gin Road Frisco, Texas 75034

SECTION 7: Voting Equipment and Materials. Direct Record Electronic (DRE) voting machines shall be used in this election for early voting by personal appearance and Election Day voting in Collin County. Optical-scan ballots shall be used for early voting by mail in Collin and Denton Counties and for early voting by personal appearance and Election Day voting in Denton County.

SECTION 8: Election to Comply with Applicable Laws. 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 Election and notice of the Election shall be conducted in accordance with the Texas Election Code and other applicable law, and all qualified and registered voters of Frisco shall be eligible to vote at the Election.

SECTION 9: Appointment of Election Judges. Upon the receipt of recommendations from the City Secretary and/or the Collin County Elections Administrator and Denton County Elections Administrator, the City Council shall appoint the early voting and Election judges. In the event that the appointed judges are unable to execute or complete their duties for any reason, the City Secretary and/or the Collin County Elections Administrator and Denton County Elections Administrator may identify alternate judges that the City Council shall appoint as soon as possible.

SECTION 10: Authority of Mayor and City Secretary. The Mayor and the City Secretary, 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 11: 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 12: Savings/Repealing. 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 13: 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 5th day of February, 2019.

Jeff Cheney, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

APPROVED AS TO FORM:

Kristi Morrow, City Secretary



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

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A
Proposed Charter Amendments

Below are the proposed amendments to the City Charter. Words and punctuation proposed to be added are underlined; words and punctuation proposed to be deleted are marked with ~~strikethrough~~. The proposed amendments to the City Charter are designated below in order of their appearance on the ballot along with the ballot proposition number associated with each such proposed amendment.

PROPOSITION NO. 1

Shall Section 5.02(1) (Filing for Office) of the City Charter be amended to require that each candidate for elective City office submit a nonrefundable filing fee of fifty dollars (\$50) or, in lieu of the payment of a filing fee, a petition signed by no less than 25 qualified voters of the City or one-half of one percent of the total votes received in the City by all candidates for Mayor in the most recent mayoral general election, whichever is greater, in order to be qualified to run for office?

SECTION 5.02 Filing for Office

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code. Each candidate's application for a place on the ballot must be accompanied by a nonrefundable filing fee of fifty dollars (\$50) or, in lieu of the payment of a filing fee, a petition signed by no less than 25 qualified voters of the City or one-half of one percent of the total votes received in the City by all candidates for Mayor in the most recent mayoral general election, whichever is greater.

...

PROPOSITION NO. 2

Shall Section 3.04 (Compensation) of the City Charter be amended to provide for the amount of compensation for the Mayor and each Council Member and the procedure for reimbursement of actual expenses incurred in the performance of their official duties rather than the City Council determining the amount of compensation by ordinance?

SECTION 3.04 Compensation

~~Compensation of the City Council shall be determined by the City 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. The City Council shall also be entitled to reimbursement for actual expenses incurred in the performance of official duties with the approval of the City Council at a public meeting. The Mayor shall receive compensation in the amount of \$850.00 per month. Each Council Member shall receive compensation in the amount of \$700.00 per month. In addition to such compensation, the Mayor and each Council Member shall be entitled to reimbursement of actual expenses incurred in the performance of their official duties with the approval of the City Council at a public meeting. To the extent possible, all related expenses for conferences, meetings, meals and other types of events that recur during a budget year that are attended by the Mayor and Council Members (whether one or more) shall be included in the City's annual budget. The City Manager and Finance Director shall create and administer the regulations for the implementation of this policy.~~

PROPOSITION NO. 3

Shall Section 9.02(3) (Duties and Powers) of the City Charter be amended to provide that a vote of three-fourths (3/4ths) of the members of the City Council – rather than three-fourths (3/4ths) of the Council Members present, or four (4) votes, whichever is greater – is required to overrule a recommendation of the Planning and Zoning Commission that a proposed zoning amendment, supplement, or change be denied and to provide that the Mayor is entitled to vote in such cases?

SECTION 9.02 Duties and Powers

...

- (3) A vote of three-fourths (3/4ths) of the members of the City Council ~~Council Members present, or four (4) votes, whichever is greater,~~ is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement, or change be denied. The Mayor shall be entitled to vote when a vote of three-fourths (3/4ths) of the members of the City Council is required under this subsection or by state law or City ordinance.

PROPOSITION NO. 4

Shall Section 3.05(1) (Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem) of the City Charter be amended to clarify that the Mayor is entitled to vote on legislative or other matters when a certain percentage of affirmative votes of all of the members of the City Council is required to pass a measure pursuant to state law, City ordinance or the City Charter?

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

- (1) The Mayor shall preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member thereof, on legislative or other matters, except in case of a tie, when the Mayor shall cast the deciding vote, or when a certain percentage of affirmative votes of all of the members of the City Council is required to pass a measure pursuant to state law, City ordinance or this Charter, but shall have no power to veto.

...

PROPOSITION NO. 5

Shall Section 3.02 (Limitations on Terms) of the City Charter be amended to remove obsolete transitional provisions that are no longer necessary?

SECTION 3.02 Limitations on Terms

...

~~To account for the transition from two (2) consecutive terms to three (3) consecutive terms, the term that each person on the City Council is currently filling, as of January 1, 2010, and all terms consecutively served prior to that current term shall count for purposes of determining whether three (3) consecutive terms have been served.~~

PROPOSITION NO. 6

Shall Sections 3.05(2) and 3.05(3) (Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem) of the City Charter be amended to clarify the time for electing the Mayor Pro-Tem and Deputy Mayor Pro-Tem in the event of a runoff election and to provide that the Mayor Pro-Tem or Deputy Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem or new Deputy Mayor Pro-Tem?

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

...

- (2) The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor, except that in the event a runoff election is required for any such office, the City Council shall not elect a Mayor Pro-Tem until the runoff election is completed and the duly elected candidate(s) have been officially seated on the City Council. The Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.
- (3) The Deputy Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after each election of Council Members and/or Mayor, except that in the event a runoff election is required for any such office, the City Council shall not elect a Deputy Mayor Pro-Tem until the runoff election is completed and the duly elected candidate(s) have been officially seated on the City Council. The Deputy Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Deputy Mayor Pro-Tem. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

PROPOSITION NO. 7

Shall Section 3.14(3) (Passage of Ordinances in General), Section 6.17 (Publication of Proposed and Referred Ordinances) and Section 7.05 (Public Hearing on Budget) of the City Charter be amended to provide for publication of certain notices by means other than publication in the official newspaper of the City as may be allowed by state law?

SECTION 3.14 Passage of Ordinances in General

...

- (3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published twice in its entirety or summary form after adoption, in a newspaper designated as the official newspaper of the City, or by such other means as may be allowed by state law.

...

SECTION 6.17 Publication of Proposed and Referred Ordinances

The person performing the duties of City Secretary of the City shall publish at least twice (2x) in the official newspaper of the City, or by such other means as may be allowed by state law, the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

SECTION 7.05 Public Hearing on Budget

At the City Council meeting when the budget is submitted, the City Council shall name the date and place of a public hearing and shall have published in the official newspaper of the City, at least twice (2x), or by such other means as may be allowed by state law, the time and place, which will be not less than ten (10) days nor more than thirty (30) days after the date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

PROPOSITION NO. 8

Shall Section 3.15(3) (Emergency Ordinances) of the City Charter be amended to provide that for the adoption of emergency ordinances, the affirmative vote of a majority of a quorum of the City Council present and eligible to vote is required rather than the affirmative vote of at least five (5) Council Members?

SECTION 3.15 Emergency Ordinances

...

- (3) An emergency ordinance may be introduced at any City Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of ~~at least five (5) Council Members~~ a majority of a quorum of the City Council present and qualified to vote shall be required for adoption.

...

PROPOSITION NO. 9

Shall Section 3.16 (Authentication, Recording, Codification, Printing and Distribution) of the City Charter be amended to modify certain requirements relating to the recording, printing and distribution of ordinances, resolutions, proposed Charter amendments and other official documents, including removing the requirement that all ordinances and resolutions adopted by the City Council be numbered consecutively as adopted; providing that such ordinances and resolutions shall be made available for public inspection rather than placed in a book kept open for inspection; providing that the Frisco City Code shall be made available to the public rather than furnished to City Officers, placed in City offices and made available for purchase by the public; providing that all ordinances and amendments to the City Charter shall be made available rather than printed promptly following their adoption; removing the requirement that a copy of each ordinance and amendment to the City Charter be placed in appropriate City offices for public reference; and removing the requirement that printed ordinances and Charter amendments be sold to the public?

SECTION 3.16 Authentication, Recording, Codification, ~~Printing~~ and Distribution

- (1) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary ~~and numbered consecutively as adopted~~. They shall be properly indexed and ~~placed in a book kept open~~ made available for public inspection.
- (2) The City Council may maintain the codification of ordinances of the City. This codification shall be known and cited as “The Frisco City Code” and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. ~~Copies of t~~ The Frisco City Code shall be ~~furnished to City Officers, placed in City offices and made available for purchase by~~ to the public ~~at a reasonable price to be fixed by the City Council~~.
- (3) The City Council shall cause all ordinances and amendments to this Charter to be ~~printed~~ made available promptly following their adoption. ~~A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council.~~

PROPOSITION NO. 10

Shall Sections 4.03(2) and (3) (Municipal Court) of the City Charter be amended to increase the term of appointment for Municipal Judges from two (2) to four (4) years and to remove the requirement that the Mayor act in the Municipal Judge’s place in the event of a failure of the Municipal Judge to perform his or her duties?

SECTION 4.03 Municipal Court

...

(2) The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to be the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of ~~two-four~~ (24) years and may be appointed to additional consecutive terms upon completion of his/her/their term(s) of office. The appointment of the Municipal Judge(s) may be terminated, without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

~~(3) In the event of failure of any Municipal Judge to perform his or her duties, the Mayor shall act in the Municipal Judge's place and stead (and in the event of a vacancy, until a Municipal Judge is appointed by the City Council to fill the vacancy). If the Mayor acts as Municipal Judge, the Mayor shall be compensated at the same salary, if any, as the Municipal Judge for whom the Mayor is acting.~~

...

PROPOSITION NO. 11

Shall Section 4.06(2)(E) (Personnel System) of the City Charter be amended to remove the requirement that the City Council rather than the City Manager evaluate the job performance of the City Secretary?

SECTION 4.06 Personnel System

...

(2) The adopted rules shall provide for the following requirements:

...

(E) A plan for annual oral and written evaluation based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, ~~City Secretary~~, Municipal Judge, and City Attorney by the City Council; and

...

PROPOSITION NO. 12

Shall Section 5.01(2) (City Elections) of the City Charter be amended to conform to state law governing the date for regular City elections?

SECTION 5.01 City Elections

...

- (2) The regular City election shall be held annually on the ~~first Saturday~~~~second Saturday~~ in May or such other date as required by the Texas Election Code. The City Council shall be responsible for specification of places for holding such elections.

...

PROPOSITION NO. 13

Shall Section 5.01(6) (City Elections) and Section 11.07 (Charter Review Commission) of the City Charter be amended to remove the requirement that the City publish a sample ballot for each City election twice in the City's official newspaper and the requirement that the City publish a comprehensive summary of the report presented by the Charter Review Commission in the City's official newspaper and instead require that the City publish the sample ballot and the Charter Review Commission's report in at least one of the official media of communication designated for City notices?

SECTION 5.01 City Elections

...

- (6) A sample ballot shall be published ~~twice~~ in at least one of the official newspaper-media of communication designated for City notices~~of the City~~.

SECTION 11.07 Charter Review Commission

...

- (2) The City Council shall receive and have published in at least one of the official media of communication designated for City notices ~~the official newspaper of the City~~ a comprehensive summary of the report presented by the Commission. ~~The City Council~~, shall consider any recommendations made by the Commission, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law as now written or hereafter amended.

...

PROPOSITION NO. 14

Shall Section 5.02(2)(F) (Filing for Office) of the City Charter be amended to conform to the state law prohibiting municipalities from taking disciplinary action against an employee solely because the employee becomes a candidate for public office?

SECTION 5.02 Filing for Office

...

(2) Candidates for elective City offices shall meet the following qualifications:

...

~~(F) No employee of the City shall continue in such position after filing for an elective office provided for in this Charter;~~

...

PROPOSITION NO. 15

Shall Section 5.04(2) (Official Results) and Section 5.05(1) (Taking of Office) of the City Charter be amended to provide that election returns shall be presented at a City Council meeting in accordance with the Texas Election Code rather than at the City Council meeting following the election and that each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the official canvassing of the election rather than at the first regular City Council meeting following the election in conformance with state law?

SECTION 5.04 Official Results

...

(2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered from the election judges to the person performing the duties of the City Secretary and the Mayor at City Hall as soon as possible after the closing of the polls. Election returns, general and special, shall be presented to the City Council at their next meeting ~~following the election~~ in accordance with the Texas Election Code, at which time the City Council shall canvass and declare the results of the election, which shall be recorded in the minutes of the meeting.

SECTION 5.05 Taking of Office

(1) Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the ~~election~~ official canvassing of the election.

...

PROPOSITION NO. 16

Shall Section 6.01 (Scope of Recall) of the City Charter be amended to remove an obsolete provision relating to the appointment of elected City officials by the City Council to fill a vacancy?

SECTION 6.01 Scope of Recall

Any elected City official, ~~whether elected to office by qualified voters or appointed by the City Council to fill a vacancy~~, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, or malfeasance in office.

PROPOSITION NO. 17

Shall Section 6.05 (Presentation of Petition to the City Council), Section 6.13 (Initiative) and Section 6.14 (Referendum) of the City Charter be amended to increase the period of time to thirty-five (35) days for the City Secretary's presentation to the City Council of a recall petition, an initiative petition or a referendum petition?

SECTION 6.05 Presentation of Petition to the City Council

Within ~~twenty-one (21)~~thirty-five (35) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City.

SECTION 6.13 Initiative

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City of at least thirty percent (30%) of the number of votes cast at the last regular mayoral election, or one hundred and fifty (150), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of City Secretary. Within ~~twenty-one (21)~~thirty-five (35) days after the filing of such petition, the person performing the duties of City Secretary shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, within two (2) regularly scheduled City Council meetings after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held within thirty (30) days thereafter and/or on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other City election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. Any election order so issued shall comply fully with the Texas Election Code. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money or levying taxes, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, signed, and verified as required for recall

petitions in this Article and shall be submitted to the person performing the duties of City Secretary. Within thirty-five (35) days after ~~Immediately upon~~ the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon, the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

PROPOSITION NO. 18

Shall Section 6.11 (Failure of the City Council to Call an Election-Recall) and Section 6.23 (Failure of the City Council to Call an Election-Initiative or Referendum) of the City Charter be amended to clarify that a petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the discharge of duties imposed on the City Council or the City Secretary with respect to recall petitions or initiative and referendum petitions rather than requiring the District Judge of Collin County, Texas to discharge such duties?

SECTION 6.11 Failure of the City Council to Call an Election-Recall

In case that all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the ~~the District Judge of Collin County, Texas, shall~~ discharge ~~any~~ of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

SECTION 6.23 Failure of the City Council to Call an Election-Initiative or Referendum

In case that all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then any petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the ~~the District Judge of Collin County, Texas, shall~~ discharge ~~any~~ of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

PROPOSITION NO. 19

Shall Section 6.14 (Referendum) of the City Charter be amended to specify the number of signatures required on a referendum petition?

SECTION 6.14 Referendum

Qualified voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money or levying taxes, passed by the City Council be

submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition must be signed by qualified voters of the City of at least thirty percent (30%) of the number of votes cast at the last regular mayoral election, or one hundred and fifty (150), whichever is greater. Said petition shall be addressed, signed, and verified as required for recall petitions in this Article and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon, the City Council shall immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.13 of this Charter. Pending the holding of such election, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

PROPOSITION NO. 20

Shall Section 6.16 (Form of Ballots) of the City Charter be amended to provide that the words “For the Measure” and “Against the Measure” may be included on the form of a ballot used when voting on proposed and referred ordinances, resolutions or measures in conformance with state law?

SECTION 6.16 Form of Ballots

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

- “For the Ordinance” or
- “Against the Ordinance” or
- “For the Resolution” or
- “Against the Resolution” or
- “For the Measure” or
- “Against the Measure”

PROPOSITION NO. 21

Shall Section 8.01(3) (Authority, Composition and Procedures) of the City Charter be amended to provide that the minutes of proceedings of City boards, commissions and committees shall be made available to the City Council rather than submitted in a written report to the City Council no more than three (3) weeks following each meeting?

SECTION 8.01 Authority, Composition and Procedures

...

- (3) All boards, commissions or committees of the City shall keep and maintain minutes of any proceedings held and ~~shall submit~~make them available ~~a written report of such proceedings to the City Council~~no more than three (3) weeks following each meeting.

...

PROPOSITION NO. 22

Shall Section 11.02 (Official Newspaper) of the City Charter be amended to eliminate the requirement that the City Council declare annually an official newspaper of general circulation in the City and instead require that the City Council declare annually one or more official media for the communication of all notices and other matters required by the City Charter, City ordinance, or the Constitution and laws of the State of Texas to be published or made available by the City?

SECTION 11.02 Official ~~Newspaper~~Medium of Communication

The City Council shall declare annually ~~an one or more~~ official ~~newspaper of general circulation in the City~~media for the communication of. All ~~all~~ordinances, notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas ~~shall to~~ be published ~~in the official newspaper~~or made available by the City.

PROPOSITION NO. 23

Shall Section 11.09 (Non-substantive Revisions) of the City Charter be added to grant the City Council authority to make certain non-substantive revisions to the City Charter without obtaining separate approval of the voters in a Charter amendment election?

SECTION 11.09 Non-substantive Revisions

- (1) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:
- (A) Renumbering, revising headings and rearranging parts thereof; and
 - (B) Correcting errors in spelling, grammar, cross-references and punctuation.
- (2) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

PROPOSITION NO. 24

Shall Section 12.10 (Disaster Clause) of the City Charter be amended to modify the makeup of the commission charged with acting as the City Council during a disaster as defined in Section 12.10 and calling a City election for the election of a required quorum and to remove the required formation of a committee to appoint such a commission?

SECTION 12.10 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving ~~persons~~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~~ appoint a commission with a membership equal to the number of persons necessary to make a quorum, composed of the surviving members of the City Council, if any, and the most recent, formerly elected Council Members and Mayors of Frisco who are residents of Frisco, the highest-ranking elected member of the Frisco Independent School District who is a resident of Frisco, and the highest-ranking members of the Frisco Economic Development Corporation, the Frisco Community Development Corporation and the Frisco Planning and Zoning Commission, all in that order ~~the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Collin County, to appoint a commission to.~~ The commission shall act as the City Council during the emergency disaster and call a City election within fifteen (15) days of such disaster, 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. The commission's authority to act shall cease once a quorum of City Council is elected and inducted into office.

[The remainder of this page intentionally left blank.]

Exhibit B
Official Ballot Propositions

At the Election, the following ballot propositions shall be submitted to the qualified voters of Frisco in conformance with the requirements of the Texas Election Code.

PROPOSITION NO. 1

Shall Section 5.02(1) (Filing for Office) of the City Charter be amended to require that each candidate for elective City office submit a nonrefundable filing fee of fifty dollars (\$50) or, in lieu of the payment of a filing fee, a petition signed by no less than 25 qualified voters of the City or one-half of one percent of the total votes received in the City by all candidates for Mayor in the most recent mayoral general election, whichever is greater, in order to be qualified to run for office?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 2

Shall Section 3.04 (Compensation) of the City Charter be amended to provide for the amount of compensation for the Mayor and each Council Member and the procedure for reimbursement of actual expenses incurred in the performance of their official duties rather than the City Council determining the amount of compensation by ordinance?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 3

Shall Section 9.02(3) (Duties and Powers) of the City Charter be amended to provide that a vote of three-fourths (3/4ths) of the members of the City Council – rather than three-fourths (3/4ths) of the Council Members present, or four (4) votes, whichever is greater – is required to overrule a recommendation of the Planning and Zoning Commission that a proposed zoning amendment, supplement, or change be denied and to provide that the Mayor is entitled to vote in such cases?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 4

Shall Section 3.05(1) (Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem) of the City Charter be amended to clarify that the Mayor is entitled to vote on legislative or other matters when a certain percentage of affirmative votes of all of the members of the City Council is required to pass a measure pursuant to state law, City ordinance or the City Charter?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 5

Shall Section 3.02 (Limitations on Terms) of the City Charter be amended to remove obsolete transitional provisions that are no longer necessary?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 6

Shall Sections 3.05(2) and 3.05(3) (Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem) of the City Charter be amended to clarify the time for electing the Mayor Pro-Tem and Deputy Mayor Pro-Tem in the event of a runoff election and to provide that the Mayor Pro-Tem or Deputy Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem or new Deputy Mayor Pro-Tem?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 7

Shall Section 3.14(3) (Passage of Ordinances in General), Section 6.17 (Publication of Proposed and Referred Ordinances) and Section 7.05 (Public Hearing on Budget) of the City Charter be amended to provide for publication of certain notices by means other than publication in the official newspaper of the City as may be allowed by state law?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 8

Shall Section 3.15(3) (Emergency Ordinances) of the City Charter be amended to provide that for the adoption of emergency ordinances, the affirmative vote of a majority of a quorum of the City Council present and eligible to vote is required rather than the affirmative vote of at least five (5) Council Members?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 9

Shall Section 3.16 (Authentication, Recording, Codification, Printing and Distribution) of the City Charter be amended to modify certain requirements relating to the recording, printing and distribution of ordinances, resolutions, proposed Charter amendments and other official documents, including removing the requirement that all ordinances and resolutions adopted by the City Council be numbered consecutively as adopted; providing that such ordinances and resolutions shall be made available for public inspection rather than placed in a book kept open for inspection; providing that the Frisco City Code shall be made available to the public rather than furnished to City Officers, placed in City offices and made available for purchase by the public; providing that all ordinances and amendments to the City Charter shall be made available rather than printed promptly following their adoption; removing the requirement that a copy of each ordinance and amendment to the City Charter be placed in appropriate City offices for public reference; and removing the requirement that printed ordinances and Charter amendments be sold to the public?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 10

Shall Sections 4.03(2) and (3) (Municipal Court) of the City Charter be amended to increase the term of appointment for Municipal Judges from two (2) to four (4) years and to remove the requirement that the Mayor act in the Municipal Judge’s place in the event of a failure of the Municipal Judge to perform his or her duties?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 11

Shall Section 4.06(2)(E) (Personnel System) of the City Charter be amended to remove the requirement that the City Council rather than the City Manager evaluate the job performance of the City Secretary?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 12

Shall Section 5.01(2) (City Elections) of the City Charter be amended to conform to state law governing the date for regular City elections?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 13

Shall Section 5.01(6) (City Elections) and Section 11.07 (Charter Review Commission) of the City Charter be amended to remove the requirement that the City publish a sample ballot for each City election twice in the City’s official newspaper and the requirement that the City publish a comprehensive summary of the report presented by the Charter Review Commission in the City’s official newspaper and instead require that the City publish the sample ballot and the Charter Review Commission’s report in at least one of the official media of communication designated for City notices?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 14

Shall Section 5.02(2)(F) (Filing for Office) of the City Charter be amended to conform to the state law prohibiting municipalities from taking disciplinary action against an employee solely because the employee becomes a candidate for public office?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 15

Shall Section 5.04(2) (Official Results) and Section 5.05(1) (Taking of Office) of the City Charter be amended to provide that election returns shall be presented at a City Council meeting in accordance with the Texas Election Code rather than at the City Council meeting following the election and that each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the official canvassing of the election rather than at the first regular City Council meeting following the election in conformance with state law?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 16

Shall Section 6.01 (Scope of Recall) of the City Charter be amended to remove an obsolete provision relating to the appointment of elected City officials by the City Council to fill a vacancy?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 17

Shall Section 6.05 (Presentation of Petition to the City Council), Section 6.13 (Initiative) and Section 6.14 (Referendum) of the City Charter be amended to increase the period of time to thirty-five (35) days for the City Secretary’s presentation to the City Council of a recall petition, an initiative petition or a referendum petition?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 18

Shall Section 6.11 (Failure of the City Council to Call an Election-Recall) and Section 6.23 (Failure of the City Council to Call an Election-Initiative or Referendum) of the City Charter be amended to clarify that a petitioning citizen may file an application for a writ of mandamus with the appropriate court to require the discharge of duties imposed on the City Council or the City Secretary with respect to recall petitions or initiative and referendum petitions rather than requiring the District Judge of Collin County, Texas to discharge such duties?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 19

Shall Section 6.14 (Referendum) of the City Charter be amended to specify the number of signatures required on a referendum petition?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 20

Shall Section 6.16 (Form of Ballots) of the City Charter be amended to provide that the words “For the Measure” and “Against the Measure” may be included on the form of a ballot used when voting on proposed and referred ordinances, resolutions or measures in conformance with state law?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 21

Shall Section 8.01(3) (Authority, Composition and Procedures) of the City Charter be amended to provide that the minutes of proceedings of City boards, commissions and committees shall be made available to the City Council rather than submitted in a written report to the City Council no more than three (3) weeks following each meeting?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 22

Shall Section 11.02 (Official Newspaper) of the City Charter be amended to eliminate the requirement that the City Council declare annually an official newspaper of general circulation in the City and instead require that the City Council declare annually one or more official media for the communication of all notices and other matters required by the City Charter, City ordinance, or the Constitution and laws of the State of Texas to be published or made available by the City?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 23

Shall Section 11.09 (Non-substantive Revisions) of the City Charter be added to grant the City Council authority to make certain non-substantive revisions to the City Charter without obtaining separate approval of the voters in a Charter amendment election?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

PROPOSITION NO. 24

Shall Section 12.10 (Disaster Clause) of the City Charter be amended to modify the makeup of the commission charged with acting as the City Council during a disaster as defined in Section 12.10 and calling a City election for the election of a required quorum and to remove the required formation of a committee to appoint such a commission?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

[The remainder of this page intentionally left blank.]