

RESOLUTION NO. 2020-37(R)

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN, DALLAS AND ROCKWALL COUNTIES, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF WYLIE CERTAIN PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF WYLIE, IN CONJUNCTION WITH THE CITY OF WYLIE GENERAL ELECTION AND SPECIAL ELECTION TO FILL A VACANCY ON NOVEMBER 3, 2020, AND ADMINISTERED BY THE COLLIN, ROCKWALL AND DALLAS COUNTY ELECTIONS ADMINISTRATORS; 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 Wylie, Texas ("City Council"), on its own motion, duly authorizes and hereby orders a special election to be held within the City of Wylie, Texas ("Wylie"), on November 3, 2020, for the purpose of submitting to the qualified voters of Wylie certain proposed amendments to the existing Home Rule Charter of Wylie ("City Charter"), pursuant to and in accordance with Section 9.004 of the Texas Local Government Code and Article XI, Section 26 of the City Charter; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

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

SECTION 2: Special Election Ordered. A special election ("Election") is hereby ordered to be held on Tuesday, November 3, 2020 ("Election Day"), for the purpose of submitting to the qualified voters of Wylie certain proposed amendments to the existing City Charter, as set forth in Section 3 of this Resolution. The Election shall be held in conjunction with the previously ordered Wylie General Election and Special Election to fill a vacancy. 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 Resolution. The Election shall be administered by the Collin County, Rockwall County and Dallas County Elections Administrators. The Collin County Elections Administrator shall administer the Election for the Collin County portion of Wylie, the Rockwall County Elections Administrator shall administer the Election for

the Rockwall County portion of Wylie, and the Dallas County Elections Administrator shall administer the Election for the Dallas County portion of Wylie. Wylie 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 Wylie in the form of ballot propositions as set forth in Section 4 of this Resolution.

SECTION 4: Official Ballot Propositions. The proposed amendments to the City Charter shall be submitted to the qualified voters of Wylie 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. Early voting by personal appearance shall be available at:

Wylie early voting locations for Collin County voters are Collin College Wylie Campus, 391 Country Club Road, Wylie, Texas 75098, and Wylie Senior Recreation Center, 800 Thomas Street #100, Wylie, Texas 75098.

The closest early voting location for Dallas County voters is Sachse Senior Center, 3815 Sachse Road, Building A, Sachse, Texas 75048.

The early voting location for Rockwall County voters is Rockwall County Library, 1215 E. Yellowjacket Lane, Rockwall, Texas 75087.

Collin, Dallas, and Rockwall County voters may vote at any of the additional early voting locations open under full contract services with the County Elections Administration for each respective county.

Early voting for Collin County voters will begin on October 13, 2020 and continue through October 16, 2020 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on October 17, 2020 from 7:00 a.m. to 7 p.m.; October 18, 2020 and October 25, 2020 from 1:00 p.m. to 6:00 p.m.; and October 19, 2020 through October 24, 2020 and October 26, 2020 through October 30, 2020 from 7:00 a.m. to 7:00 p.m.

Early voting for Dallas County voters will begin on October 13, 2020 and continue through October 17, 2020, October 19, 2020 through October 24, 2020, and October 26, 2020 through October 30, 2020 with extended voting hours of 7:00 a.m. to 7:00 p.m.; and October 18, 2020 and October 25, 2020 from 1:00 p.m. to 6:00 p.m.

Early voting for Rockwall County voters will begin on October 13, 2020 and continue through October 16, 2020, October 19, 2020 through October 21, 2020, October 23, 2020, October 26, 2020 through October 28, 2020, and October 30, 2020 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on October 22, 2020 and October 29, 2020 from 7:00 a.m. to 7 p.m.; October 24, 2020 from 10:00 a.m. to 3:00 p.m.; and October 25, 2020 from 11:00 a.m. to 2:00 p.m.

For Collin County voters, applications for ballot by mail shall be requested from and mailed to Collin County Elections, Attn: Bruce Sherbet, 2010 Redbud Blvd #102, McKinney, Texas 75069 or bsherbet@collincountytx.gov.

For Dallas County voters, applications for ballot by mail shall be requested from and mailed to Dallas County Elections, Attn: Toni Pippins-Poole, 1520 Round Table Drive, Dallas, Texas 75247 or evapplications@dallascounty.org.

For Rockwall County voters, applications for ballot by mail shall be requested from and mailed to Rockwall County Elections, Attn: Christopher Lynch, 915 Whitmore Drive, Suite D, Rockwall, Texas 75087 or clynch@rockwallcountytexas.com.

Applications for ballots by mail must be received no later than the close of business on October 23, 2020.

SECTION 6: Election Day Voting. The entire City shall constitute one election precinct for this Election. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of the contracts for election administration services. The designated polling places are as follows:

Wylie Election Day locations for Collin County voters are Collin College Wylie Campus, 391 Country Club Road, Wylie, Texas 75098; Wylie Senior Recreation Center, 800 Thomas Street #100, Wylie, Texas 75098; and Seis Lagos Community Services Association, 222 Seis Lagos Trail, Wylie, Texas 75098. Collin County voters may vote at any of the additional voting locations open under full contract services with the Collin County Elections Administration.

Closest Election Day locations for Dallas County voters are Chase Oaks Church-Woodbridge, 2709 3rd Street, Sachse, Texas 75048; Sachse Senior Center, 3815 Sachse Road, Building A, Sachse, Texas 75048; and BG Hudson Middle School, 4405 Hudson Drive, Sachse, Texas 75048. Dallas County voters may vote at any of the additional voting locations open under full contract services with the Dallas County Elections Administration.

Election Day location for Rockwall County voters is Rowlett Health & Rehabilitation Center, 9300 Lakeview Parkway, Rowlett, Texas 75088.

Polls shall be open from 7:00 a.m. until 7:00 p.m. on the Election Day.

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 for Collin, Dallas, and Rockwall County Voters.

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 Wylie shall be eligible to vote at the Election.

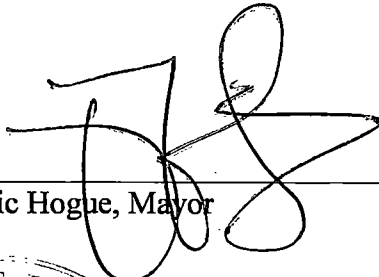
SECTION 9: Authority of Mayor and City Secretary. The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 10: Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City Council hereby declares that it would have passed this Resolution, 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 11: Savings/Repealing. All provisions of any Resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portion of such Resolutions shall remain in full force and effect.

SECTION 12: 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 WYLIE, TEXAS on this 11th day of August, 2020.


Eric Hogue, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

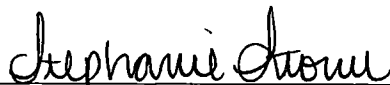

Stephanie Storm, City Secretary



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 letter associated with each such proposed amendment.

CITY OF WYLIE PROPOSITION A

Shall Article I, Section 3 of the City Charter be amended to update references to applicable state law governing the extension of boundaries?

Section 3 – Extension of Boundaries

The boundaries of the City of Wylie, Texas, may be enlarged and extended by the annexation of additional territory by any of the methods provided by applicable state law ~~in accordance with Vernon's Ann. Civ. St. art. 970a, as presently written or hereafter amended.~~

A. ~~Extending Boundaries by Action of the City Council.~~ The City Council, by ordinance, shall have the power to annex additional territory adjacent to or contiguous with the City limits, with or without the consent of the residents and/or the owners of the territory annexed in accordance with the provisions of Vernon's Ann. Civ. St. art. 970a.

B. ~~Annexation of Unoccupied Lands on Petition of Owners.~~ The owner or owners of land contiguous with and adjacent to the City limits may, by petition in writing to the City Council, request said land to be annexed. The City Council may grant or refuse the petition as it sees fit. If the City Council grants the petition, it shall, by ordinance, annex said land as part of the corporate limits of the City in accordance with Vernon's Ann. Civ. St. art. 970a.

C. ~~Annexation by Any Other Method Provided by Law.~~ Additional territory may also be annexed to the City in any manner and by any procedure now or hereafter provided by law.

D. ~~Annexed Territory to Become Part of City.~~ Upon annexation, the annexed territory shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges provided by the City for its citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

CITY OF WYLIE PROPOSITION B

Shall Article II, Section 1 of the City Charter be amended to update the reference to applicable state law governing the powers of the City?

Section 1 – Powers of the City

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the constitution and laws of the State of Texas. These powers and rights, whether expressed or implied, shall be exercised, administered and enforced in the interest and welfare of individuals and corporations residing in or owning property within the boundaries of the City as prescribed by this Charter, or in such manner as may be provided by resolution or ordinance of the City Council.

The powers hereby conferred upon the City shall include, but not be restricted to the powers expressly conferred and permitted by applicable law ~~Vernon's Ann. Civ. St. art. 1175, as now or hereafter amended.~~

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CITY OF WYLIE PROPOSITION C

Shall Article III, Section 1(B) of the City Charter be amended to remove obsolete transitional provisions that are no longer necessary?

Section 1 – Number, Selection and Term

...

- B. All members of the City Council, other than the mayor, shall be elected under the place system. ~~At the first general election held under this Charter, and in each odd-numbered year thereafter, three councilmen shall be elected, with the councilmen filling positions 1, 3, and 5. The following year and in each even numbered year thereafter, the mayor and three councilmen shall be elected to fill positions 2, 4, and 6.~~

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CITY OF WYLIE PROPOSITION D

Shall Article III, Section 6(C) of the City Charter be amended to clarify the process for the filling of vacancies occurring on the City Council?

Section 6 – Vacancies, Forfeiture, Filling of Vacancies

...

- C. *Filling of Vacancies.* Any vacancy or vacancies occurring on the City Council ~~governing body~~ shall ~~not~~ be filled for the remainder of the unexpired term by ~~appointment but must be filled~~ by majority vote of the qualified voters at a special

election called for such purpose within 120 days after such vacancy or vacancies occur. ~~This appointee shall serve the unexpired term for the place for which he was appointed.~~

~~The City Council shall not, however, fill more than one vacancy by appointment within a six month period and in case a vacancy has been filled by the City Council within 12 months prior to a subsequent vacancy, or before a subsequent vacancy has been filled, or if more than one vacancy occurs at the same time, the City Council shall order a special election within 30 days of the last vacancy to elect the successor or successors to the office [or] offices vacated. Vacancies filled by special election shall be for the remainder of the term.~~

~~However, if the vacancies occur within 120 days of a regular election, then no special election shall be called, and the remaining City Council members shall appoint qualified persons to fill vacancies until the regular election.~~

CITY OF WYLIE PROPOSITION E

Shall Article III, Section 9 of the City Charter be amended to update the reference to applicable state law regarding meetings of City Council?

Section 9 – Meetings of City Council

The City Council shall hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix, by ordinance, the date and time of the regular meetings. Special meetings of the City Council shall be held on the call of the mayor or a majority of the City Councilmembers.

All meetings shall be held and notice given in accordance with applicable law ~~Vernon's Ann. Civ. St. art. 6252-17, as amended.~~ Except as otherwise authorized by law, all meetings shall be open to the public.

CITY OF WYLIE PROPOSITION F

Shall Article III, Section 12 of the City Charter be amended to conform to state law regarding public testimony at open meetings of the City Council?

Section 12 – Rules of Procedure

The City Council shall, by ordinance, determine its own rules and order of business, and the rules shall provide that each member of the public who desires to address the City Council regarding an item on an agenda for an open meeting of the City Council to address the City Council regarding the item at the meeting before or during the City Council's consideration of the item ~~citizens of the City shall have a reasonable opportunity to be heard at any meeting with regard to any matter under consideration.~~ The City Council shall provide for written minutes to be taken of all meetings, except executive sessions

authorized by law, and such minutes shall be public record and shall be kept and maintained by the City Secretary. The vote of each Council Member on any matter shall be recorded in the minutes.

CITY OF WYLIE PROPOSITION G

Shall Article V, Section 2(A) of the City Charter be amended to conform to state law regarding eligibility to file for an elective office?

Section 2 – Filing For Office; Eligibility to File

A. *Candidate Qualifications.* Each candidate for an elective office shall meet the following qualifications:

Shall be a qualified voter of the City.

Shall have resided for at least 12 months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline.

Shall not, after notice of any delinquency, be in arrears in the payment of any taxes or other liabilities due the city. “In arrears” is defined herein to mean that payment has not been received within 90 days from the due date.

An incumbent City Councilman seeking reelection must file for the same place position number currently being served.

No candidate may file in a single election for more than one office or place position as provided by this Charter.

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

~~Shall not concurrently hold an elective office with the City other than the one being filed for.~~

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CITY OF WYLIE PROPOSITION H

Shall Article V, Section 3(C) of the City Charter be amended to conform to state law regarding early voting ballots?

Section 3 – Official Ballots

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- C. Early Voting Absentee Ballots. Procedures for voting by early voting absentee ballots shall be consistent with the Texas Election Code.

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CITY OF WYLIE PROPOSITION I

Shall Article VIII, Section 2(D) of the City Charter be amended to update the reference to applicable state law regarding Board of Adjustment members?

Section 2 – Boards and Commissions Enumerated

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- D. Board of Adjustment and Appeals. The City Council shall appoint a board of adjustment and appeals of five members and two alternate members who shall serve in accordance with applicable law ~~Vernon's Ann. Civ. St. art. 1011g~~. Members of the board shall be qualified voters of the City and shall be appointed for two year terms with three members' terms expiring in even-numbered years and two members' terms expiring in odd-numbered years. Members of the board shall elect a chairman each July from their membership and shall meet at the call of the chairman within 30 days of receipt of written notice from anyone aggrieved as a result of the refusal of a building permit or administrative decision by the City building official. Rules and regulations shall be prescribed for the functioning of the board consistent with the laws of the State of Texas and the building codes of the City of Wylie.

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CITY OF WYLIE PROPOSITION J

Shall Article XI, Section 26 of the City Charter be amended to update the reference to applicable state law regarding amendments to the City Charter?

Section 26 – Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by applicable law ~~Vernon's Ann. Civ. St. art. 1174f et seq., as now or hereafter amended~~.

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Exhibit B
Official Ballot Propositions

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

CITY OF WYLIE PROPOSITION A

Shall Article I, Section 3 of the City Charter be amended to update references to applicable state law governing the extension of boundaries?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION B

Shall Article II, Section 1 of the City Charter be amended to update the reference to applicable state law governing the powers of the City?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION C

Shall Article III, Section 1(B) of the City Charter be amended to remove obsolete transitional provisions that are no longer necessary?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION D

Shall Article III, Section 6(C) of the City Charter be amended to clarify the process for the filling of vacancies occurring on the City Council?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION E

Shall Article III, Section 9 of the City Charter be amended to update the reference to applicable state law regarding meetings of City Council?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION F

Shall Article III, Section 12 of the City Charter be amended to conform to state law regarding public testimony at open meetings of the City Council?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION G

Shall Article V, Section 2(A) of the City Charter be amended to conform to state law regarding eligibility to file for an elective office?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION H

Shall Article V, Section 3(C) of the City Charter be amended to conform to state law regarding early voting ballots?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION I

Shall Article VIII, Section 2(D) of the City Charter be amended to update the reference to applicable state law regarding Board of Adjustment members?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

CITY OF WYLIE PROPOSITION J

Shall Article XI, Section 26 of the City Charter be amended to update the reference to applicable state law regarding amendments to the City Charter?

FOR THE MEASURE: _____ AGAINST THE MEASURE: _____

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