

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 084-074

AN ORDINANCE REGULATING THE CONDUCT OF AN ELECTION OF THE TOWN OF ADDISON, TEXAS, FOR THE PURPOSE OF SUBMITTING A PROPOSITION TO THE VOTERS AS TO WHETHER DALLAS AREA RAPID TRANSIT SHALL BE DISSOLVED IN THE TOWN OF ADDISON, TEXAS, PURSUANT TO TEX. REV. CIV. STAT. ANN. ART. 1118y; ESTABLISHING REGULATIONS GOVERNING THE SUBMISSION OF A PETITION REQUESTING THE CALLING OF SUCH AN ELECTION; ESTABLISHING PETITION REQUIREMENTS; REGULATING VERIFICATION OF PETITIONS; PROVIDING FOR CALLING THE ELECTION; PROVIDING FOR ELECTION TO CONFORM TO STATE LAWS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, petitions submitted pursuant to TEX. REV. CIV. STAT. ANN. art. 1118y (the "Act") were received by the City Council requesting the calling of an election of the Town of Addison, Texas, (the "City") for the purpose of submitting a proposition to the voters as to whether Dallas Area Rapid Transit ("DART") shall be dissolved in the City; and

WHEREAS, the City Council finds and determines said petitions do not contain the requisite number of signatures as required by Section 9(k) of the Act; and

WHEREAS, the City Council finds, determines and declares all petitions heretofore submitted to be invalid; and

WHEREAS, Section 9(k) of the Act establishes requirements for the calling of an election for the purpose of offering a proposition to the voters as to whether DART shall be dissolved in the City and Section 9(l) of the Act imposes an additional requirement where the City Council calls the election on its own volition or upon receipt of a proper petition more than 12 months after the election confirming DART; and

WHEREAS, Sections 9(k) and 9(l) of the Act require the petition to contain signatures of at least 20 percent of the registered voters within the City; and

WHEREAS, both the Act and the Texas Election Code are silent as to the date on which the 20 percent of the registered voters should be calculated and as to the method for determining the validity of the signatures; and

WHEREAS, neither the Act nor the Texas Election Code provide any guidelines for determining the validity of the petition or for the conducting of such an election; and

WHEREAS, the City Council finds and determines that a uniform method of submitting and reviewing such petitions and the signatures thereon and for conducting an election is necessary and desirable for the smooth and efficient operation of the City, to insure fairness and equal treatment of all such petitions, and for the prevention of fraud; and

WHEREAS, the City Council finds and determines it to be necessary and desirable and in the best interests of the citizens and taxpayers of the City to adopt uniform guidelines and a systematic method for submitting and reviewing petitions originating under the Act, and for conducting an election pursuant to the Act; and

WHEREAS, Sections 8.01 and 8.02 of Article VIII of the Home Rule Charter of the Town of Addison, Texas, authorize and empower the City Council to provide the means for holding special elections, and to make all regulations necessary or desirable which are not inconsistent with said Charter or the laws of the State of Texas, for the conduct of municipal elections, and for the prevention of fraud; and

WHEREAS, the City Council finds that an election to consider a proposition to the voters as to whether DART shall be dissolved in the City is a special election.

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

Section 1. That all matters contained in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

Section 2. The City Council hereby finds and determines that all petitions heretofore submitted do not contain the requisite number of signatures as required by Section 9(k) of the Act and are hereby found and declared to be invalid.

Section 3. Petition Requirements.

- a. (1) A petition for the dissolution of DART in the City may consist of multiple sheets. Each sheet of a petition for the dissolution of DART in the City shall be headed with a statement in all capital letters regarding the nature of the petition substantially as follows: "THIS PETITION IS TO REQUIRE AN ELECTION BE HELD IN THE TOWN OF ADDISON, TEXAS, TO DISSOLVE THE DALLAS AREA RAPID TRANSIT IN THE TOWN OF ADDISON, TEXAS." To each sheet of the petition an affidavit of the person who circulated each such sheet in the following form shall be executed:

"STATE OF TEXAS
COUNTY OF DALLAS

I, _____, do hereby swear or affirm that I witnessed each signer affix his or her signature, the date

of signing, and his or her residence address, to this page of this petition for the dissolution of DART in the Town of Addison, Texas. I affirm to the best of my knowledge and belief that each signature is the genuine signature of the person whose name is signed and that the date entered next to each signature is the date such signature was affixed hereto.

Sworn to and subscribed before me this the _____ day of _____, 19____.

[SEAL]

Notary Public,
State of Texas"

- (2) Each and every sheet to a petition shall be submitted at one time as provided herein and shall collectively constitute the petition. Each petition submitted to the City shall become a public record and the property of the City.
- b. The following requirements shall be satisfied on each petition:
- (1) The petition shall contain signatures of at least 20 percent of the registered voters of the City on the date the petition is received by the City as determined from the most current list of registered voters maintained by the Elections Administrator of Dallas County.
 - (2) At the time of signing, each signer shall be a registered voter of the City. Each signer shall enter beside his or her signature the date he or she signs the petition. No signatures shall be counted which were placed on the petition more than 45 days prior to the petition being received by the City.
 - (3) Each signer shall enter beside his or her signature his or her current residence address, including zip code.
 - (4) Each signer shall personally sign the petition and enter the information required by this Section 3 in ink or indelible pencil.

Section 4. Verification of Petitions.

- a. Not later than the fifth day after the date a petition for election is received by the City Council, the petition shall be submitted to the office of the City Secretary for verification.

- b. The City Secretary shall determine whether all of the requirements of Section 3 of this Ordinance and the Act have been satisfied. Not later than the tenth day after the date the petition is submitted to the City Secretary for verification, the City Secretary shall certify in writing to the City Council whether the petition is valid or invalid. If the City Secretary determines the petition is invalid he or she shall state in the certification the reasons for such determination.

Section 5. Calling the Election.

- a. Whenever the City Secretary determines the petition does not satisfy the requirements of Section 3 of this Ordinance, the City Council shall not be required to call an election.
- b. If the City Secretary certifies that a petition does satisfy all of the requirements of Section 3 of this Ordinance and the Act, the City Council shall order by ordinance that an election be held in the City on the next available uniform election day authorized under Article 2.01b of the Texas Election Code which is not less than thirty (30) days from the date the election is ordered and provided that the notice requirements of Section 9(1) of the Act have been satisfied which mandate that at least 12 months notice must be provided to the executive committee of DART, the State Department of Highways and Public Transportation and the comptroller of public accounts.
- c. The date a petition is certified by the City Secretary to the City Council, the names of the signers, and the action taken with respect to the petition shall be entered in the minutes of the City Council.

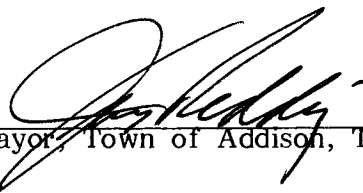
Section 6. Election to Conform to State Laws.

- a. The conduct and the holding of the election to dissolve DART in the City shall conform to the general laws regarding elections unless otherwise provided in the Act.

Section 7. Severability Clause. If any section or part of any section of this Ordinance be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of such section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 8. That this Ordinance shall become effective from and after its passage and shall be applicable to all actions of the City Secretary and the City Council henceforth in reviewing petitions and calling elections under the Act, and all petitions hereafter submitted pursuant to the Act shall conform with the requirements of this Ordinance.

PASSED AND APPROVED this 11 day of SEPTEMBER, 1984.



Mayor, Town of Addison, Texas


ATTEST:



City Secretary, Town of Addison, Texas

[SEAL]

APPROVED AS TO FORM:



City Attorney, Town of Addison, Texas

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