

PLANO CITY COUNCIL

WILL CONVENE INTO SPECIAL CALLED SESSION AT 5:00 P.M., ON WEDNESDAY, FEBRUARY 10, 2010, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

SPECIAL CALLED SESSION

- I. A Resolution of the City Council of the City of Plano, Texas, canvassing the election returns of the Special Election of January 30, 2010, for the election of one member of Council (Place 3) to fill a vacancy until the May 2011 General Election declaring the results; and resolving other matters on the subject.**

- II. An Ordinance of the City Council of the City of Plano, Texas, ordering a Runoff Election for the purpose of electing one Member of Council to Place No. 3 (District 3), to hold office until May 2011 to fill a vacancy; designating locations of polling places; and ordering notices of election to be given as prescribed by law in connection with such election and ordaining other matters on the subject.**

In accordance with the provisions of the Open Meetings Act, during Special Called Sessions, agenda items will be discussed and votes may be taken where appropriate. The City Council may convene into Executive Session to discuss posted items in the session as allowed by law.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.

A Resolution of the City Council of the City of Plano, Texas, canvassing the election returns of the Special Election of January 30, 2010, for the election of one member of Council Place 3 (District 3) to fill a vacancy until the May 2011 General Election declaring the results; and resolving other matters on the subject.

WHEREAS, for the purpose of electing one member of Council Place 3 (District 3) to fill a vacancy until the May 2011 General Election, the City Council called a Special Election to be held on January 30, 2010, by Ordinance No. 2009-11-19 passed November 23, 2009; and

WHEREAS, the City Council met on February 10, 2010, and canvassed the election returns of the above-mentioned election; and

WHEREAS, it was found that the persons herein named received the stated number of votes for said term of office on the Plano City Council:

MEMBER OF COUNCIL, PLACE NO. 3 (DISTRICT 3)

André Davidson	<u>1,819</u>
Cathy Fang	<u>1,523</u>
Doug Shockey	<u>823</u>

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

Section I. That in the Special Election held on January 30, 2010, for Member of Council, Place No. 3 (District 3), no person received a majority of all votes cast for such place;

Section II. The City Council hereby finds and determines, as a result of this Canvass, that a total of 4,206 persons voted in the Special Election held on January 30, 2010.

DULY PASSED AND APPROVED THIS THE 10th DAY OF February 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY

An Ordinance of the City Council of the City of Plano, Texas, ordering a Runoff Election to be held on March 27, 2010, for the purpose of electing one Member of Council to Place No. 3 (District 3), to hold office until May 2011 to fill a vacancy; designating locations of polling places; and ordering notices of election to be given as prescribed by law in connection with such election and ordaining other matters on the subject.

WHEREAS, a Special Election to fill a vacancy was held on January 30, 2010, for the purpose of electing one (1) member of Council (Place No. 3 – District 3); and

WHEREAS, no one person received a majority of the votes cast at said election for Place No. 3 (District 3), on the City Council; and

WHEREAS, André Davidson and Cathy Fang individually received more votes than any other person for Place No. 3 (District 3), and both are, therefore, entitled to have their names placed on a runoff election ballot;

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

Section I. A Runoff Election is hereby ordered to be held in and throughout the City of Plano on Saturday, March 27, 2010, for the purpose of electing the following member of the City Council of the City of Plano:

Member of Council, Place No. 3 (District 3)

The term of said place shall be until the May 2011 General Election.

Section II. The persons entitled to have their names placed upon the ballot at such election are:

Member of Council, Place No. 3 (District 3)

André Davidson

Cathy Fang

Section III. The polling places and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Plano Runoff Election are as follows:

COLLIN COUNTY ELECTION PRECINCTS	POLLING PLACE
52, 61, 68, 103 and 141;	Armstrong Middle School 3805 Timberline Drive, Plano, TX 75074

34, 107, 119, 121, 135 and 139;	Bethany Elementary School 2418 Micarta Drive, Plano, TX 75025
23, 46, 47, 50, 51, 152 and 158;	Bowman Middle School 2501 Jupiter Road, Plano, TX 75074
90, 116, 137 and 176;	Brinker Elementary School 3800 John Clark Parkway, Plano, TX 75093
21, 54, 62 and 66;	Carpenter Middle School 1501 Cross Bend Road, Plano, TX 75023
109 and 123;	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093
15, 19, 53, 65, 70 and 71;	Haggard Middle School 2401 Westside Drive, Plano, TX 75075
58, 77 and 91;	Hendrick Middle School 7400 Red River Drive, Plano, TX 75025
31, 32, 63 and 76;	Hughston Elementary School 2601 Cross Bend Road, Plano, TX 75023
14, 81, 86, 89, 108, 112, 124 and 167;	Robinson Middle School 6701 Preston Meadow Drive, Plano, TX 75024
64 and 69;	Schimelpfenig Middle School 2400 Maumelle Drive, Plano, TX 75023
28, 75, 105 and 143;	Shepton High School 5505 Plano Parkway, Plano, TX 75093
39 and 85;	Thomas Elementary School 6537 Blue Ridge Trail, Plano, TX 75023
26, 49, 67, 72 and 138.	Wilson Middle School 1001 Custer Road, Plano, TX 75075
DENTON COUNTY ELECTION PRECINCTS	POLLING PLACE
226	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093

Polling places on March 27, 2010 shall be open from 7:00 a.m. until 7:00 p.m.

Section IV. Votes for said election shall be cast utilizing touch-screen devices with Diebold's ACCUVOTE TS R6v.4.6.4 direct recording devices (DRE's) for early voting and election day and optical-scan ballots with Diebold's ACCUVOTE OS ROM v.2.0.12 for early voting by mail.

Section V. Early voting by personal appearance for the above-designated election shall be conducted at the following locations on the following dates and times:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mar 7	Mar 8	Mar 9	Mar 10	Mar 11 Early Voting 8 am – 5 pm	Mar 12 Early Voting 8 am – 5 pm	Mar 13
Mar 14	Mar 15 Early Voting 8 am – 5 pm	Mar 16 Early Voting 8 am – 5 pm	Mar 17 Early Voting 8 am – 5 pm	Mar 18 Early Voting 8 am – 5 pm	Mar 19 Early Voting 8 am – 5 pm	Mar 20 Early Voting 8 am – 5 pm
Mar 21	Mar 22 Early Voting 7 am – 7 pm	Mar 23 Early Voting 7 am – 7 pm	Mar 24	Mar 25	Mar 26	Mar 27 Election Day 7 am – 7 pm

Main Early Voting Location		
Collin County Elections Department	2010 Redbud Boulevard Suite 102	McKinney, TX 75069
Temporary Branch Early Voting Locations		
Carpenter Park Recreation Center	6701 Coit Road	Plano, TX 75024
Christopher A. Parr Library	6200 Windhaven Parkway	Plano, TX 75093
Collin County Community College - Spring Creek Campus	2800 E. Spring Creek Parkway	Plano, TX 75074
Haggard Library	2501 Coit Road	Plano, TX 75075
Harrington Library	1501 18 th Street	Plano, TX 75074
Plano Independent School District Administration Center	2700 West 15 th Street	Plano, TX 75075

Early voting will be delayed by one day due to the inability of the Elections Administrator to begin early voting until March 11, 2010 for the reasons stated in her affidavit, which is attached as Exhibit A, and allowed under Texas Election Code section 85.001(d).

Applications for ballots by mail shall be mailed to:

Sharon Rowe, Elections Administrator
Collin County Elections Department
2010 Redbud Boulevard - Suite 102
McKinney, TX 75069

Applications for ballots by mail must be received no later than the close of business on Friday, March 19, 2010.

Section VI. The recommendations of the City will be the accepted guidelines of three (3) clerks to be secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours.

Section VII. 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.

Section VIII. This ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 10th DAY OF February 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

**AFFIDAVIT OF SHARON ROWE, COLLIN COUNTY ELECTIONS
ADMINISTRATOR REGARDING COMMENCEMENT OF EARLY VOTING FOR
RUNOFF ELECTION**

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Sharon Rowe, who being duly sworn on her oath, says and deposes as follows:

"My name is Sharon Rowe. I am of sound mind, over eighteen (18) years of age, and have never been convicted of a felony or of a crime involving moral turpitude. I have personal knowledge of the facts stated herein, and they are true and correct.

I currently hold the office of Collin County Elections Administrator. I have held that position since October 1, 1999.

In such capacity, I administer the elections for Collin County as well as for other political subdivisions located within the County per election services agreements with those political subdivisions, or upon request from those political subdivisions.

I served as elections administrator on the City of Plano's behalf for the special election to fill an open seat on the Plano City Council held on Saturday January 30, 2010. I carried out the election-related duties on the City's behalf pursuant to an elections services agreement with the County.

No candidate received a majority of the votes at the January 30, 2010 election, necessitating a runoff election.

Under section 85.001(a) of the Texas Election Code, generally the period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day.

The date for the runoff election has been scheduled for March 27, 2010.

Under section 85.001(d) of the Texas Election Code, if because of the date for which an election is ordered it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest date practicable after the prescribed date as set by the authority ordering the election.

Due to the number and scope of administrative tasks required by my office in preparation for conducting a runoff election, the earliest practicable date that I can adequately prepare for and properly administer early voting for the runoff election to fill the empty seat on the Plano City Council is March 11, 2010.

Detailed tasks to be completed March 3rd-10th include:

- Retrieval of voting machines in use on March 2nd
- Retrieval of electronic pollbooks in use on March 2nd
- Retrieval of cabinets in use on March 2nd
- Audit of Pollbook data for the Primary (100 laptops plus 29 printed Pollbooks by Location)
- Scanning of voter history data for 29 Election Day Primary Locations
- Completion of Voter History files for each Political Party by March 6 in preparation for County Conventions
- Asset inventory of equipment used in the March 2, Primary
- Voter Registration research on Provisional Ballots - Primary
- Voter Registration updates on all items from Primary Kits
- Audit of 129 Election Day Kits - Primary
- Late Early Voting Ballot Board for Primary
- Creation of Canvass Reports for Political Parties
- Preparation, testing and upload of jar file for electronic pollbooks to be used in Plano's Runoff Election
- Restocking of election supplies for early voting – Plano
- Delivery of voting machines for early voting – Plano
- Delivery of electronic pollbooks for early voting – Plano
- Delivery of cabinets for early voting – Plano
- Testing of electronic pollbooks on-site at each early voting location prior to the beginning of early voting – Plano

The accomplishment of these tasks is made difficult due to the March 2nd primary election which, as explained above, will utilize much of the election equipment necessary for conducting the runoff election. That equipment will have to be moved, set up and tested prior to being used for runoff election purposes.

In addition, should any of the primary election results be challenged, it is conceivable that the election equipment would have to be impounded and examined for accuracy, further complicating the process of preparing such equipment for immediate use in a runoff election.

Lastly, it is unlikely that my election staff could adequately prepare and conduct the primary election for the political parties, including providing assistance tabulating the results after polls close the evening of March 2nd, while simultaneously preparing for early voting in a runoff election to commence the following day, March 3rd. For these reasons and in order to assure the integrity of the runoff election process, I have concluded the earliest day that my office could prepare for, and hold early voting for the runoff election is March 11, 2010.

FURTHER AFFIANT SAYETH NOT.”

Sharon Rowe
Sharon Rowe

SWORN AND SUBSCRIBED to before me on this the 9th day of February, 2010.

Patricia Jean Seals
Notary Public in and for the State of Texas



My Commission Expires: 02/06/10