



## RESOLUTION NO. 2018-45

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF THE CITY OF FARMERS BRANCH HELD MAY 5, 2018, REGARDING ADOPTION OF AMENDMENTS TO THE CITY CHARTER OF THE CITY OF FARMERS BRANCH; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and,

**WHEREAS**, it is imperative to consider the returns of an election held on the May 5, 2018, for the purpose of considering the returns of propositions for the approval of amendments to the City Charter of the City of Farmers Branch; and,

**WHEREAS**, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

	<b>EARLY ELECTION VOTES CAST</b>	<b>ELECTION DAY VOTES CAST</b>	<b>TOTAL VOTES CAST</b>
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**PROPOSITION A - Amend Sections 2.01, 2.02(a), 7.03, and 7.04 of the Farmers Branch City Charter be amended to reflect the current method of the election of City Councilmembers from single member districts in accordance with the judgment entered in the case styled Fabela et.al. v City of Farmers Branch, Texas, et.al., Civil Action No. 3:10-CV-1425-D in the U.S. District Court for the Northern District of Texas.**

FOR	<u>447</u>	<u>262</u>	<u>709</u>
AGAINST	<u>112</u>	<u>102</u>	<u>214</u>

**PROPOSITION B - Amend Section 2.02(a) of the Farmers Branch City Charter be amended to conform to state law the qualifications of members of the City Council by removing the phrase “or any offense involving moral turpitude” which prohibits members of the City Council from having been convicted of an offense involving moral turpitude.**

FOR	<u>359</u>	<u>219</u>	<u>578</u>
AGAINST	<u>211</u>	<u>158</u>	<u>369</u>

**PROPOSITION C** - Amend Section 2.02 (a) of the Farmers Branch City Charter be amended to provide that a former employee of the City shall not be eligible to be elected or appointed to the Council until at least two (2) years has elapsed since the date of termination of such person's employment with the City.

FOR	<u>423</u>	<u>248</u>	<u>671</u>
AGAINST	<u>158</u>	<u>131</u>	<u>289</u>

**PROPOSITION D** - Amend Section 2.04 of the Farmers Branch City Charter be amended as authorized by the Texas Constitution to authorize the City Council to fill a vacancy on the City Council by appointment if the vacancy is for an unexpired term of office of twelve (12) months or less.

FOR	<u>460</u>	<u>262</u>	<u>722</u>
AGAINST	<u>118</u>	<u>110</u>	<u>228</u>

**PROPOSITION E** - Amend Section 2.06 of the Farmers Branch City Charter be amended to prohibit the appointment of a former City employee to any City board, committee, commission or corporation until at least six (6) months have elapsed since the termination of such person's employment with the City.

FOR	<u>455</u>	<u>270</u>	<u>725</u>
AGAINST	<u>121</u>	<u>103</u>	<u>224</u>

**PROPOSITION F** - Amend Section 2.12 of the Farmers Branch City Charter regarding the appointment, term and compensation of the Municipal Court Judge and alternate municipal court judges be amended to conform to state law applicable to the Farmers Branch Municipal Court of Record.

FOR	<u>520</u>	<u>314</u>	<u>834</u>
AGAINST	<u>44</u>	<u>53</u>	<u>97</u>

**PROPOSITION G** - Amend Section 2.16 of the Farmers Branch City Charter be amended to clarify that the expenditure of funds by the Council does not require an ordinance unless the expenditure is for the issuance of debt.

FOR	<u>375</u>	<u>229</u>	<u>604</u>
AGAINST	<u>184</u>	<u>136</u>	<u>320</u>

**PROPOSITION H** - Amend Section 2.19 of the Farmers Branch City Charter be amended to allow the Mayor to vote on the removal of a member of the City Council other than removal of the Mayor.

FOR	<u>449</u>	<u>251</u>	<u>700</u>
AGAINST	<u>127</u>	<u>126</u>	<u>253</u>

**PROPOSITION I** - Amend Section 7.01 of the Farmers Branch City Charter be amended to delete unnecessary language regarding the transition of the election of Councilmembers from two (2) year terms to three (3) terms of office following the January 1989 special Charter amendment election.

FOR	<u>461</u>	<u>284</u>	<u>745</u>
AGAINST	<u>101</u>	<u>89</u>	<u>190</u>

**PROPOSITION J** - Amend Section 9.20 of the Farmers Branch City Charter be amended to require the City Council to appoint a Charter review committee at least every five years consisting of at least thirteen (13) members composed of at least two (2) members appointed from each Council District and up to at least two (2) members nominated by the Mayor with the Mayor being entitled to vote on the appointment of the members of the committee.

FOR	<u>464</u>	<u>289</u>	<u>753</u>
AGAINST	<u>101</u>	<u>81</u>	<u>182</u>

**PROPOSITION K** - Amend Article IX of the Farmers Branch City Charter be amended to add Section 9.21 to authorize the City Council by ordinance to renumber articles, sections, subsections, and subparagraphs of the City Charter without making any substantive changes.

FOR	<u>473</u>	<u>292</u>	<u>765</u>
AGAINST	<u>83</u>	<u>75</u>	<u>158</u>

**PROPOSITION L** - Amend Section 10.2 of the Farmers Branch City Charter be amended to clarify the procedures for addressing and filing a petition seeking the recall of an elected member of the City Council.

FOR	<u>493</u>	<u>299</u>	<u>792</u>
AGAINST	<u>68</u>	<u>71</u>	<u>139</u>

**PROPOSITION M** - Amend Section 10.2 of the Farmers Branch City Charter be amended to clarify that the number of qualified voters required for a petition for recall is determined based on the number of qualified voters eligible to vote for the office of the person being recalled during the prior regular municipal election for that office, even if the election for that office is cancelled.

FOR	<u>461</u>	<u>284</u>	<u>745</u>
AGAINST	<u>84</u>	<u>80</u>	<u>164</u>

**PROPOSITION N** - Amend Section 10.10 of the Farmers Branch City Charter be amended to provide that a person appointed to fill a vacancy of an unexpired term on the City Council cannot be subject to a petition for recall during such appointed term.

FOR	<u>343</u>	<u>197</u>	<u>540</u>
AGAINST	<u>217</u>	<u>169</u>	<u>386</u>

**PROPOSITION O - Amend Article VII of the Farmers Branch City Charter be amended to add Section 7.10 to provide for the establishment, review, and revision of the City Council District boundaries after each Federal decennial census.**

FOR	<u>462</u>	<u>289</u>	<u>751</u>
AGAINST	<u>84</u>	<u>78</u>	<u>162</u>

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Said election was duly called, that notice of said election was given in accordance with law, that said election was held in accordance with law, and that it is determined that Proposition A through O, inclusive, have been approved by the majority of the qualified voters voting at said election and shall become a part of the City of Farmers Branch City Charter.

**SECTION 2.** It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

**SECTION 3.** This resolution shall become effective immediately from and after its passage.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 15<sup>th</sup> DAY OF MAY, 2018.**

**ATTEST:**

**APPROVED:**

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Amy M. Piukana, City Secretary

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Robert C. Dye, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:4/17/18:98314)