

****PUBLIC NOTICE****



CITY COUNCIL SPECIAL SESSION
Wednesday, May 18, 2022 at 12:00 PM
City Hall | 3300 Corinth Parkway

Pursuant to section 551.127, Texas Government Code, one or more council members, consultants, or employees may attend this meeting remotely using videoconferencing technology.

View live stream: www.cityofcorinth.com/remotesession

A. NOTICE IS HEREBY GIVEN of a Special Session of the Corinth City Council.

B. CALL TO ORDER

C. CITIZENS COMMENTS

Please limit your comments to three minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Council is prohibited from acting on or discussing items brought before them at this time.

D. BUSINESS AGENDA

1. Consider and act on an Ordinance of the Corinth City Council canvassing and declaring the results of the May 7, 2022 Special Election held for the purpose of submitting to the qualified voters of the City of Corinth ballot propositions.

E. ADJOURN

**The City Council reserves the right to recess into closed session at any time during the course of this meeting to discuss any of the matters posted on this agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.071, "Consultation with Attorney" for the purpose of receiving legal advice.

Posted on this 13th day of May 2022, at 11:30 A.M., on the bulletin board at Corinth City Hall.

A handwritten signature in black ink that reads "Lana Wylie". The signature is written in a cursive style and is positioned above a horizontal line.

Lana Wylie
City Secretary
City of Corinth, Texas



CITY OF CORINTH
Staff Report

Meeting Date:	5/18/2022	Title:	Election Ordinance Canvassing Returns of Charter Election
Ends:	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input checked="" type="checkbox"/> Governance Policy <input type="checkbox"/> Ministerial Function		
Owner Support:	<input type="checkbox"/> Planning & Zoning Commission <input type="checkbox"/> Economic Development Corporation <input type="checkbox"/> Parks & Recreation Board <input type="checkbox"/> TIRZ Board #2 <input type="checkbox"/> Finance Audit Committee <input type="checkbox"/> TIRZ Board #3 <input type="checkbox"/> Keep Corinth Beautiful <input type="checkbox"/> Ethics Commission N/A		

Item/Caption

Consider and act on an Ordinance of the Corinth City Council canvassing and declaring the results of the May 7, 2022 Special Election held for the purpose of submitting to the qualified voters of the City of Corinth ballot propositions.

Item Summary/Background/Prior Action

On May 7, 2022, a special election was held in accordance with the provisions of the Texas Local Government Code and the Election Code for the purpose of determining whether to approve and implement Ordinance No. 22-02-17-06 authorizing the City of Corinth, Texas to amend the Home Rule Charter.

Proposition A. Three Year Council Term; An amendment to Article I, Section 1.01, Article III, Sections 3.01, 3.04, and Article VII, Sections 7.04, and 7.05 of the City of Corinth Home Rule Charter providing that the Council which consists of five (5) Councilmembers, each elected to occupy a Place, and a Mayor, shall all be elected at large for staggered terms of three (3) years each; providing that beginning with the May, 2023 election, the terms of office for the Mayor and Council Place 5 shall be three (3) years each and continuously thereafter, each shall have terms of three (3) years; providing that beginning with the May 2023 election, the term of office for the Council Place 2 shall be for two (2) years and continuously thereafter, Place 2 shall have a term of three (3) years; providing that beginning with the May, 2024 election, the terms of office for Council Place 1 and Council Place 4 shall be three (3) years each and continuously thereafter, each shall have terms of three (3) years; providing that beginning with the May 2024 election, the term of office for the Council Place 1 shall be for one (1) year and continuously thereafter, Place 1 shall have a term of three (3) years; providing that candidates who receive a majority of votes cast for a Place or for the Mayoral seat shall be declared elected and requiring a special election in the event a candidate fails to receive a majority of the votes cast at an election; providing for the automatic resignation if the Mayor or a Council member files to become a candidate for another public office; providing that a vacancy in the office of the Mayor or

Councilmember shall be filled by special election held within 120 days after a vacancy occurs and that such term of office shall be for the remainder of the vacated; providing that in the event a vacancy occurs on the City Council and the remainder of the unexpired term is 12 months or less, the Council may fill that vacancy by majority vote; removing the reference to “plurality” vote as a basis for election to office; and providing terms for a runoff election in the event of a tie or lack of a majority vote.

Proposition B. Mayor Pro Tem; An amendment to Article III, Section 3.01 adding Section 3.01(F) providing that the City Council shall take action to appoint one of its members to serve as Mayor Pro Tem in accordance with the terms of a written policy adopted by the City Council; providing that such appointment shall occur at the first regular meeting after each general election for office; and providing that the Mayor Pro Tem shall perform the duties of the Mayor in the absence or disability of the Mayor.

The Cumulative Unofficial Results were received from the Denton County Elections Office on May 10, 2022. The ballot board will meet on May 16, 2022. The Official Results will be prepared and distributed at the canvassing meeting on May 18, 2022.

Proposition A	Absentee Votes	Early Voting	Election Day	Total Votes
For	116	621	306	1,043
Against	15	124	81	220

Proposition B	Absentee Votes	Early Voting	Election Day	Total Votes
For	127	695	342	1164
Against	3	67	57	127

Staff Recommendation/Motion

Approval of the Ordinance canvassing the Special Election results.

**CITY OF CORINTH, TEXAS
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE JOINT SPECIAL ELECTION BETWEEN THE CITY OF CORINTH (“CITY”) AND DENTON COUNTY (“COUNTY”) HELD ON MAY 7, 2022, AS SUCH RETURNS RELATE TO A SPECIAL ELECTION SUBMITTING TO THE VOTERS TWO (2) PROPOSITIONS RELATING TO THE AMENDMENT OF THE HOME RULE CHARTER FOR THE CITY AS SPECIFICALLY SET FORTH IN ORDINANCE NO. 22-02-17-06; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE CONFIRMATION OF VOTE TABULATIONS; PROVIDING FOR THE ENACTMENT OF HOME RULE CHARTER PROVISIONS; AUTHORIZING THE ISSUANCE OF THE CANVASS OF THE SPECIAL ELECTION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about February 17, 2022 the City Council of the City of Corinth, Texas (the “City”) passed and approved Ordinance No. 22-02-17-06 ordering a joint Special Election between the City of Corinth (“City”) and Denton County (“County”) held on May 7, 2022, to submit to the resident qualified voters of the City of Corinth propositions relating to the amendment of the Home Rule Charter for the City; and

WHEREAS, the appropriate authority of the City heretofore caused to be posted and published, in accordance with the election laws of the State of Texas, notice of the Special Election; and

WHEREAS, it appears that a total of [REDACTED] votes were cast in such election; and

WHEREAS, the Special Election was duly and legally held on May 7, 2022, in the City and in conformity with the election laws of the State of Texas, and the results of the Special Election, including the early voting results, have been certified and returned to the proper judges and clerks thereof; and

WHEREAS, the official returns of the presiding judges of the Special Election, including the returns of early voting ballots in connection therewith, as such returns are related to submitting to the resident qualified voters of the City of Corinth two (2) propositions relating to the amendment of the Home Rule Charter for the City, have been presented to the City Council acting in its capacity as the Canvassing Board for the Special Election; and

WHEREAS, the City Council has considered the returns of the Special Election as related to submitting to the resident qualified voters of the City of Corinth two (2) propositions relating to the amendment of the Home Rule Charter for the City, including the returns of early voting ballots cast in connection therewith; and

WHEREAS, the returns of the Special Election on a measure, including the returns of the early voting ballots, duly and legally made, showed that Proposition 1 related to the City Council term, received the following votes:

FOR THE ADOPTION OF PROPOSITION 1
AGAINST THE ADOPTION OF PROPOSITION 1

<p>Three Year Council Term; An amendment to Article I, Section 1.01, Article III, Sections 3.01, 3.04, and Article VII, Sections 7.04, and 7.05 of the City of Corinth Home Rule Charter providing that the Council which consists of five (5) Councilmembers, each elected to occupy a Place, and a Mayor, shall all be elected at large for staggered terms of three (3) years each; providing that beginning with the May, 2023 election, the terms of office for the Mayor and Council Place 5 shall be three (3) years each and continuously thereafter, each shall have terms of three (3) years; providing that beginning with the May 2023 election, the term of office for the Council Place 2 shall be for two (2) years and continuously thereafter, Place 2 shall have a term of three (3) years; providing that beginning with the May, 2024 election, the terms of office for Council Place 1 and Council Place 4 shall be three (3) years each and continuously thereafter, each shall have terms of three (3) years; providing that beginning with the May 2024 election, the term of office for the Council Place 1 shall be for one (1) year and continuously thereafter, Place 1 shall have a term of three (3) years; providing that candidates who receive a majority of votes cast for a Place or for the Mayoral seat shall be declared elected and requiring a special election in the event a candidate fails to receive a majority of the votes cast at an election; providing for the automatic resignation if the Mayor or a Council member files to become a candidate for another public office; providing that a vacancy in the office of the Mayor or Councilmember shall be filled by special election held within 120 days after a vacancy occurs and that such term of office shall be for the remainder of the vacated; providing that in the event a vacancy occurs on the City Council and the remainder of the unexpired term is 12 months or less, the Council may fill that vacancy by majority vote; removing the reference to “plurality” vote as a basis for election to office; and providing terms for a runoff election in the event of a tie or lack of a majority vote.</p>	<p align="center">TOTAL NUMBER OF EARLY VOTING VOTES RECEIVED</p>	<p align="center">TOTAL NUMBER OF VOTES RECEIVED AT POLL ON ELECTION DAY</p>	<p align="center">TOTAL NUMBER OF VOTES RECEIVED</p>
<p align="center">For</p>	<p align="center">■</p>	<p align="center">■</p>	<p align="center">■</p>
<p align="center">Against</p>	<p align="center">■</p>	<p align="center">■</p>	<p align="center">■</p>

WHEREAS, the returns of the Special Election on a measure, including the returns of the early voting ballots, duly and legally made, showed that Proposition 2 related to the Mayor Pro Tem, received the following votes:

FOR THE ADOPTION OF PROPOSITION 2
AGAINST THE ADOPTION OF PROPOSITION 2

Mayor Pro Tem; An amendment to Article III, Section 3.01 adding Section 3.01(F) providing that the City Council shall take action to appoint one of its members to serve as Mayor Pro Tem in accordance with the terms of a written policy adopted by the City Council; providing that such appointment shall occur at the first regular meeting after each general election for office; and providing that the Mayor Pro Tem shall perform the duties of the Mayor in the absence or disability of the Mayor.	TOTAL NUMBER OF EARLY VOTING VOTES RECEIVED	TOTAL NUMBER OF VOTES RECEIVED AT POLL ON ELECTION DAY	TOTAL NUMBER OF VOTES RECEIVED
For	■	■	■
Against	■	■	■

WHEREAS, pursuant to State Law, if a majority of the qualified voters voting on a proposed measure vote in favor thereof, such measure shall become effective in accordance with law.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance and made a part hereof for all purposes.

SECTION 2
CONFIRMATION OF VOTE TABULATIONS

The results of the Special Election to submit to the resident qualified voters of the City of Corinth two (2) propositions relating to the amendment of the Home Rule Charter for the City as canvassed and tabulated above, reflect the expressed desires of the resident, qualified voters of the City.

SECTION 3
ENACTMENT OF HOME RULE CHARTER PROPOSITIONS

The City Council shall contemporaneously, or as soon thereafter as practicable, with the passage of this Ordinance adopt an Ordinance putting two (2) Home Rule Charter Amendments into effect in accordance with the following results of the Special Election:

3.01. PROPOSITION 1 - Three Year Council Term

In accordance with the canvass and tabulation of the results of the Special Election, the

Charter amendment regarding the “Three Year Council Term” was approved by a majority of qualified voters by a vote of [REDACTED] in favor to [REDACTED] opposed.

3.02. PROPOSITION 2 – Mayor Pro Tem

In accordance with the canvass and tabulation of the results of the Special Election, the Charter amendment “Mayor Pro Tem” was approved by a majority of qualified voters by a vote of [REDACTED] in favor to [REDACTED] opposed.

SECTION 4
ISSUANCE OF CANVASS OF SPECIAL ELECTION

The Mayor is hereby authorized and directed to execute and deliver the Canvass of the Special Election, a copy of which is attached hereto as Exhibit “A”, in accordance with the election laws of the State of Texas, and to take all other action necessary in connection therewith.

SECTION 5
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council of the City of Corinth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6
EFFECTIVE DATE

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Corinth, Texas, this 18th day of May, 2022.

Bill Heidemann, Mayor

ATTEST:

Lana Wylie, City Secretary

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney

**CITY OF CORINTH, TEXAS
CANVASS OF SPECIAL ELECTION**

I, the undersigned Mayor of the City of Corinth, Texas, and Presiding Officer of the Canvassing Authority of the City, met on the 18th day of May 2022 with the City Council of the City, sitting as the Canvassing Board to canvass the returns of the Joint General and Special Election held on May 7, 2022, at the _____, _____, Corinth, Texas, as such returns related to a Special Election to submit to the resident qualified voters of the City of Corinth propositions relating to the amendment of the Home Rule Charter for the City.

I DO HEREBY CERTIFY that the figures on the tally sheets correspond with the figures on the returns.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Corinth, Texas to be affixed hereto, this the 18th day of May 2022.

Mayor and Presiding Officer of The Canvassing Authority
City of Corinth, Texas

Cumulative Results Report

Denton County

U Section D, Item 1.

Joint, General & Special Elections

Registered Voters

66516 of 585609 = 11.36%

Precincts Reporting

238 of 238 = 100.00%

Run Time 12:50 PM
Run Date 05/10/2022

5/7/2022

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City of Corinth Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		116	88.55%	621	83.36%	306	79.07%	1,043	82.58%
AGAINST		15	11.45%	124	16.64%	81	20.93%	220	17.42%
Cast Votes:		131	100.00%	745	100.00%	387	100.00%	1,263	100.00%
Undervotes:		3		36		26		65	
Overvotes:		0		1		0		1	

City of Corinth Proposition B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		127	97.69%	695	91.21%	342	85.71%	1,164	90.16%
AGAINST		3	2.31%	67	8.79%	57	14.29%	127	9.84%
Cast Votes:		130	100.00%	762	100.00%	399	100.00%	1,291	100.00%
Undervotes:		3		20		14		37	
Overvotes:		1		0		0		1	