

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, DECLARING THE RESULTS OF THE MUNICIPAL ELECTION HELD MAY 7, 2022, CONCERNING THE ELECTION OF COUNCILMEMBERS FOR POSITION NUMBERS FOUR (4) AND SIX (6) OF THE CITY OF FRIENDSWOOD; DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD MAY 2, 2022, CONCERNING ELEVEN (11) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF FRIENDSWOOD, TEXAS; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Friendswood on February 8, 2022, ordered a general election to be held on May 7, 2022, for the purpose of electing Councilmembers for Position Numbers Four (4) and Six (6) of the City of Friendswood; and

WHEREAS, the City Council of the City of Friendswood on February 7, 2022, ordered a special election to be held on May 7, 2022, for the purpose of amending the following:

- a. Article II "Powers of the City," Section 2.01 "General powers";
- b. Article III "City Council," Section 3.02 "Qualifications,"
- c. Article III "City Council," Section 3.09 "Meetings of the City Council,"
- d. Article III, "City Council," Section 3.11 "Ordinances in general";
- e. Article IV "Administrative Services," Section 4.04 "City Secretary";
- f. Article V "Initiative, Referendum And Recall," Section 5.06 "Action on petitions," Subsection (B) "Submission to voters";
- g. Article VI "Nominations and Elections; Oath of Office," Section 6.04 "Canvassing and election results," Subsection (a) "Canvassing";
- h. Article VIII "Financial Administration," Section 8.03 "Annual budget," Subsection (a) "Content" and Subsection (c) "Public notice and hearing";
- i. Article VIII "Financial Administration," Section 8.05 "Borrowing for capital improvements," Subsection (f) "Elections to authorize debt";
- j. Article IX "Franchises and Public Utilities," Section 9.10 "Public service corporations to file annual reports"; and
- k. Article XI "General provisions," Section 11.02 "City newspaper"

of the Charter of the City of Friendswood, Texas; and

WHEREAS, on May 7, 2022, each of the above-referenced elections was held under and pursuant to the provisions of the ordinances calling such elections as well as the provisions of the City's Charter and state law; and

WHEREAS, between May 9, 2022, and May 16, 2022, the early voting ballot boards of Harris and Galveston Counties met to qualify ballots by mail and to verify and count provisional ballots pursuant to Chapter 65 of the Texas Election Code; and

WHEREAS, pursuant to Chapter 67 of the Texas Election Code, the City Council of the City of Friendswood, at a council meeting held on May 18, 2022, canvassed the returns of the general and special elections concerning:

1. the election of a Councilmembers to Position Number Four (4) and a Councilmember to Position Number Six (6) from the City at-large; and

2. eleven (11) proposed amendments to the Charter of the City of Friendswood, Texas, and (the "Elections"); and

WHEREAS, the notices of the Elections having been duly and properly given as required by law and as provided in the ordinance calling each such election, the Elections having been duly and regularly held according to law, the returns thereof having been duly made and the Election Judges having certified the results of the Elections as hereinafter set out, and the City Council having duly and regularly canvassed the returns of the Elections, the City Council finds that the total votes cast at the Elections were as follows:

COUNCILMEMBER, POSITION NO. FOUR

Robert J. Griffon 2107 votes

COUNCILMEMBER, POSITION NO. SIX

Meg Crowley..... 957 votes

Brent Erenwert 1510 votes

CITY OF FRIENDSWOOD PROPOSITION A

The amendment to Article II "Powers of the City," Section 2.01 "General powers" of the Friendswood City Charter to authorize the purchase of property within Galveston, Harris and Brazoria Counties.

For 1493 votes

Against 1067 votes

CITY OF FRIENDSWOOD PROPOSITION B

The amendment to Article III "City Council," Section 3.02 "Qualifications," of the Friendswood City Charter to remove the reference to qualifications required to file for office from this section, which pertains to qualifications while in office.

For 1166 votes

Against 1294 votes

CITY OF FRIENDSWOOD PROPOSITION C

The amendment to Article III "City Council," Section 3.09 "Meetings of the City Council" of the Friendswood City Charter to conform meetings of the City Council to the requirements of state law.

For 1946 votes

Against 585 votes

CITY OF FRIENDSWOOD PROPOSITION D

The amendment to repeal and replace Article III "City Council," Section 3.11 "Ordinances in general" of the Friendswood City Charter to update the procedures for the passage of ordinances and their effective dates.

For 1687 votes

Against 765 votes

CITY OF FRIENDSWOOD PROPOSITION E

The amendment to Article IV “Administrative Services,” Section 4.04 “City Secretary” of the Friendswood City Charter to allow the City Manager to appoint and supervise the City Secretary.

For 1470 votes

Against 1012 votes

CITY OF FRIENDSWOOD PROPOSITION F

The amendment to Article V “Initiative, Referendum and Recall,” Section 5.06 “Action on petitions, Subsection (b) “Submission to voters” of the Friendswood City Charter to require a proposed or referred ordinance be posted on the City’s website instead of being posted at each polling location and on the City’s notice boards.

For 1520 votes

Against 961 votes

CITY OF FRIENDSWOOD PROPOSITION G

The amendment to Article VI “Nominations and Elections; Oath of Office,” Section 6.04 “Canvassing and election results,” Subsection (a) “Canvassing” of the Friendswood City Charter to conform the canvassing requirements to state law.

For 1823 votes

Against 629 votes

CITY OF FRIENDSWOOD PROPOSITION H

The amendment to Article VIII “Financial Administration,” Section 8.03 “Annual budget,” Subsection (a) “Content” and Subsection (c) “Public notice and hearing” of the Friendswood City Charter to conform budget matters related to content and hearings to state law.

For 1862 votes

Against 598 votes

CITY OF FRIENDSWOOD PROPOSITION I

The amendment to Article VIII “Financial Administration,” Section 8.05 “Borrowing for capital improvements,” Subsection (f) “Elections to authorize debt” of the Friendswood

City Charter to authorize Council to issue debt only to the extent allowed by law but require voter approval prior to the issuance of certificates of obligation.

For 1834 votes

Against 660 votes

CITY OF FRIENDSWOOD PROPOSITION J

The amendment to Article IX "Franchises and Public Utilities," Section 9.10 "Public service corporations to file annual reports" of the Friendswood City Charter to allow Council to determine when public service corporations are required to file annual reports with the City.

For 1674 votes

Against 759 votes

CITY OF FRIENDSWOOD PROPOSITION K

Amendment Article XI "General provisions," Section 11.02 "City newspaper" of the Friendswood City Charter to require the City Council to designate a public newspaper for its publications at least every two years.

For 1737 votes

Against 707 votes

(Collectively "Election Returns"); and

WHEREAS, the City Council of the City of Friendswood finds the Election Returns set out above to be accurate and correct and that no election protest or contest has been filed with the City Council or instituted in connection with the Election Returns; and

WHEREAS, because the votes cast for each of the above propositions exceeded the votes cast against the same, the City Council, pursuant to its election order and Section 9.005 of the Texas Local Government Code, by this ordinance, enters its order in the records of the City of Friendswood declaring Proposition Nos. A through K, with the exception of Proposition No. B, adopted; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. That the City Council of the City of Friendswood, Texas, further finds that the notice of the Election was duly and properly given as required by law and as provided in the ordinance calling the Election and that the Election was duly and regularly held and the returns thereof duly and regularly made by the proper officials of said Election and in all things according to law.

Section 3. That Robert J. Griffon received a majority of the votes cast at the election for the office of Councilmember, Position Number Four (4), and accordingly, Robert J. Griffon is hereby declared elected to the office of Councilmember, Position Number Four (4) of the City of Friendswood.

Section 4. That Brent Erenwert received a majority of the votes cast at the election for the office of Councilmember, Position Number Six (6), and accordingly, Brent Erenwert is hereby declared elected to the office of Councilmember, Position Number Six (6) of the City of Friendswood.

Section 5. That the City Council of the City of Friendswood, based upon the results of the Charter Amendment Election held on May 7, 2022, hereby enters an order in the records of the City of Friendswood declaring that the Charter Amendments enumerated hereinbelow in Sections 6 through 15 are adopted.

Section 6. That pursuant to the Charter Amendment Election, Article II "Powers of the City," Section 2.01 "General powers" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 2.01. General powers.

Except as otherwise specifically provided in this Charter, the City shall have all powers possible for a Home Rule city to have under the Constitution and laws of the State of Texas as fully and completely as though they were expressly enumerated in this Charter, including the power to acquire property within Galveston, Harris, and Brazoria Counties.

Section 7. That pursuant to the Charter Amendment Election, Article III "City Council," Section 3.09 "Meetings of the City Council" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 3.09. Meetings of the City Council.

The City Council shall establish the days and times of its regular meetings but hold at least one regular meeting each month. Except during declared emergencies, all regular meetings of the City Council shall be held within the corporate limits of the City. All meetings of the council shall be open to the public, except as authorized by law.

Section 8. That pursuant to the Charter Amendment Election, Article III "City Council," Section 3.11 "Ordinances in general" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 3.11. Ordinances in general.

- (a) *Form.* The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be: "Be it Ordained by the City Council of the City of Friendswood, State of Texas."
- (b) *Effective Date.* Each proposed ordinance shall be introduced in written, electronic, or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective upon adoption or at a later time as specified in the ordinance. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption of any such ordinance to be published in the official newspaper in the City of Friendswood.

- (c) *Readings.* Ordinances that require one reading are those ordinances that:
- (1) require a public hearing or more notice than required by the Texas Open Meetings Act;
 - (2) relate to the adoption or amendment to the budget;
 - (3) relate to the assessment, levy, or collection of taxes;
 - (4) relate to the calling of an election, or the canvassing of the returns and declaration of results of an election;
 - (5) relate to the incurring of indebtedness, including, specifically, the issuance or sale of bonds or certificates of obligation;
 - (6) relate to the development or improvement of a street; or
 - (7) relate to an emergency so declared by Council.

For all other ordinances, including the franchise for a public utility, the caption shall be read at two council meetings on separate days. An ordinance requiring two readings shall be deemed rejected if approval on final reading is not obtained within 90 days of the date approval on first reading is obtained.

- (d) *Amendments/Printed Code.* The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified, and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Section 9. That pursuant to the Charter Amendment Election, Article IV "Administrative Services," Section 4.04 "City Secretary" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 4.04. City Secretary.

- (a) *Appointment.* The City Manager shall appoint a City Secretary who shall act as the secretary to the Council and shall hold office at the pleasure of the City Manager. He/she shall be provided an office in the City Hall sufficient to maintain the records entrusted to his/her care and shall be entitled to a seat at the Council table at all official meetings.
- (b) *Duties of the City Secretary.* The duties of the City Secretary shall be as follows:
- (1) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
 - (2) Be the custodian of all municipal records of the Council.
 - (3) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
 - (4) Hold and maintain the City seal and affix [it] to all instruments requiring such seal.
 - (5) Cause written notice of appointment to be delivered to each person appointed by the Mayor or Council to any board, commission, committee, or other appointive office or position, within five working days following such appointment by the Mayor or Council.
- (c) *Compensation.* The City Manager shall set the compensation of the City Secretary.

Section 10. That pursuant to the Charter Amendment Election, Article V "Initiative, Referendum and Recall," Section 5.06 "Action on petitions," Subsection (b) "Submission to voters" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 5.06. Action on petitions.

- (b) *Submission to voters.* The vote of the City on a proposed or referred ordinance shall be held at a Special Election called for such purpose in accordance with subsection (a)(3) above. Copies of the proposed or referred ordinance shall be made available at the City Secretary's Office and posted on the City's website 15 days immediately preceding the election.

Section 11. That pursuant to the Charter Amendment Election, Article VI "Nominations and Elections; Oath of Office," Section 6.04 "Canvassing and election results," Subsection (a) "Canvassing" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 6.04. Canvassing and election results.

- (a) *Canvassing.* Returns of the elections, general and special, shall be made by the election officers to the city council and the council shall canvass the returns and declare the results of such election in accordance with law.

Section 12. That pursuant to the Charter Amendment Election, Article VIII "Financial Administration," Section 8.03 "Annual budget," Subsection (a) "Content" and Subsection (c) "Public notice and hearing" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 8.03. Annual Budget.

- (a) *Content.* The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and include such other material as the manager deems desirable. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year, including debt service and an itemized estimate of the expense of conducting each department of the City. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to comply with state law.
- (c) *Public notice and hearing.* Any public hearing on the proposed budget shall be held and published in accordance with law.

Section 13. That pursuant to the Charter Amendment Election, Article VIII "Financial Administration," Section 8.05 "Borrowing for capital improvements," Subsection (f) "Elections to authorize debt" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 8.05. Borrowing for Capital Improvements.

- (f) *Elections to authorize debt.* Notwithstanding any other provision contained in this Section 8.05 to the contrary, the Council shall only issue debt pursuant to state law and shall be prohibited from issuing certificates of obligation without voter approval; provided, however, the Council shall be authorized to incur debt without the necessity of a Special Election if necessary due to an emergency or urgent public necessity, which emergency or urgent public necessity shall be expressed in the ordinance or resolution authorizing such debt.

Section 14. That pursuant to the Charter Amendment Election, Article IX "Franchises and Public Utilities," Section 9.10 "Public service corporations to file annual reports," Subsection (a) of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 9.10. Public service corporations to file annual reports.

- (a) The Council may require all public service corporations operating within the corporate limits of the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the Council may deem pertinent for its use, including reports on operations within the City in intelligently passing upon any questions that may arise between the City and the said public service corporations; said reports to be filed with the City Secretary, and preserved for the use of the City Council. Such reports shall be reviewed annually by the Council to determine the propriety of the rates being charged.

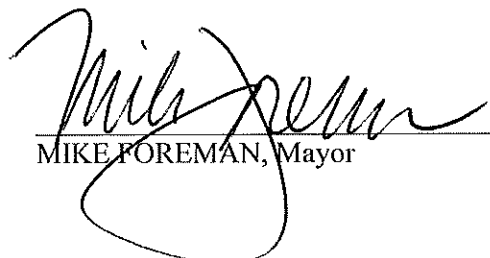
Section 15. That pursuant to the Charter Amendment Election, Article XI "General provisions," Section 11.02 "City newspaper" of the Charter of the City of Friendswood, Texas, shall read as follows:

Sec. 11.02. City newspaper.

The Council shall, at a minimum, biennially designate a public newspaper of general circulation in the City as official publication thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matters required by this Charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas to be published

Section 16. This ordinance shall take effect immediately from and after its passage by the City Council of the City of Friendswood, Texas.

PASSED, APPROVED and ADOPTED by the affirmative vote of the City Council of the City of Friendswood on this the 18th day of May, 2022.


MIKE FOREMAN, Mayor

ATTEST:


LETICIA BRYSCH, City Secretary

APPROVED AS TO FORM:


KAREN HORNER, City Attorney

