

**ORDINANCE NO. 2023-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A MUNICIPAL SPECIAL ELECTION TO BE HELD ON THE 7th DAY OF NOVEMBER 2023, FOR THE PURPOSE OF VOTING ON THE ADOPTION OR REJECTION OF PROPOSED CHARTER AMENDMENTS; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.**

**WHEREAS**, the City Council of the City of Huntsville, Texas, in the exercise of the discretion reposed in it by the Constitution and laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code, and in accordance with its City Charter, has determined to submit for adoption or rejection amendments to the existing Charter of the City of Huntsville, at a special election to be held November 7, 2023; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:**

**SECTION 1**, A special municipal election of the City of Huntsville shall be held between the hours of seven (7:00) o'clock a.m. and seven (7:00) o'clock p.m. on the 7th day of November 2023, in the City, for adoption or rejection, of proposed amendments to the City Charter of the City of Huntsville, Texas.

**SECTION 2**, The registered voters of the City can vote at any Election Day poll place. Countywide Election Day Poll Locations are as follows:

**COUNTYWIDE ELECTION DAY POLL LOCATIONS**

WALKER COUNTY FAIRGROUNDS  
3925 SH 30 W, Huntsville, Texas 77340

WALKER COUNTY STORM SHELTER VETERAN'S COMPLEX  
455 SH 75 N, Huntsville, Texas 77320

UNIVERSITY HEIGHTS BAPTIST CHURCH FELLOWSHIP HALL  
2400 Sycamore Avenue, Huntsville, Texas 77340 - Voter entrance off Palm Street

NEW WAVERLY FIRST BAPTIST CHURCH  
460 Fisher Street, New Waverly, Texas 77358

HUNTSVILLE ISD TRANSPORTATION BUILDING  
96 Martin Luther King, Huntsville, Texas 77320

COOK SPRINGS BAPTIST CHURCH  
1936-A SH 75 N, Huntsville, Texas 77320

NORTHSIDE BAPTIST CHURCH  
1207 FM 980, Huntsville, Texas 77320

RIVERSIDE UNITED METHODIST CHURCH

**SECTION 3.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall do and perform each act as in other elections required to be done and performed, respectively, by the County Judge, the County Clerk or the Commissioners' Court. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with Walker County, Texas, and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with Walker County and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any joint election agreement(s) and/or the contract(s) for election services that may be authorized by City Council.

**SECTION 4.** The form of the ballot for the election shall be as follows:

OFFICIAL BALLOT  
Special Election  
City of Huntsville, Texas  
November 7, 2023

**SECTION 5.** Proposed City Charter Amendments

**AMENDMENT A.** Amending Article IV, Section 4.01 to reflect a three-year term length of council members by adding subsections and amending first paragraph to read as follows.

*Section 4.01 (a)*

The Council shall be composed of a Mayor and eight Councilmembers. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for *three-year* terms, from the first Tuesday following the election until the first Tuesday following the general election *three-years* later, or until a successor has been elected and duly qualified. Each Councilmember, unless sooner removed under the provisions of this Charter, shall serve for *three-year* terms, from the first Tuesday following their election until the first Tuesday following the general election *three* years later, or until a successor has been elected and duly qualified.

Amending Article IV Section 4.01 by inserting section 4.01 (b) from 6.01 and changing the term length amending to read as follows:

*Section 4.01(b)*

*All Councilmembers and the Mayor shall be elected for three-year terms. In all elections for Mayor each qualified voter shall vote for not more than one candidate for Mayor. In all elections for Councilmember from the qualified voter's ward, each qualified voter shall vote for not more than one candidate for Councilmember from the qualified voter's ward. In all elections for each of the four council-at-large positions, each qualified voter shall vote for not more than one candidate for each of the four council-at-large positions.*

Amending Article IV Section 4.01 by inserting section 4.01 (c) to show the transition to three-year terms amending the section to read as follows:

*Section 4.01 (c)*

*Beginning with the November 2024 election, the Council shall transition to three-year terms as provided*

*in this subsection.*

- (1) *For the November 2024 election, the candidates elected to the At-Large Positions 1, 2, 3, and 4 shall serve three-year terms.*
- (2) *For the November 2025 election, the elected to office of Mayor and Wards 1, 2, 3, and 4 shall serve three-year terms.*
- (3) *Thereafter, the candidates elected to the City Council in the November general election will be elected to three-year terms."*

Amending Article IV, Section 4.15 to ensure three-year term lengths are consistent throughout the City Charter by amending it to read as follows.

No person shall be elected to more than *three consecutive regular three-year* terms as a Councilmember.

Amending Article V, Section 5.10 to ensure three term lengths are consistent throughout the City Charter by amending it to read as follows.

No person shall be elected to more than *three* consecutive regular *three-year* terms as Mayor.

Amending Article VI, Section 6.01 by moving the end of the first sentence through the end of the fourth sentence to sections 4.01 (b) and 4.01 (c) and deleting "at least forty days prior to the date of such election in the official newspaper of the City" and inserting "in accordance with state law" amending the section to read as follows:

Regular City general elections shall be held on the uniform election date in November. Each election shall be ordered by the Mayor or, in the event the Mayor fails to do so, by the Council. The City Secretary shall give notice of such election by causing the notice to be published *in accordance with State Law*

**AMENDMENT B.** Amending Article IV, Section 4.07 to conform with state law by deleting the language "at least twelve hours prior to such meeting" and inserting new language "in accordance with state law", deleting the third sentence, replacing "council" with "Council" in the fourth sentence, deleting "within the city" in the fourth sentence and inserting the word "and" following "approved by Council" amending the section to read as follows.

There shall be one or more regular meetings of the City Council each month, which shall be held at such times and places as shall be prescribed by ordinance. Special meetings may be called at any time by the Mayor, the City Manager, or by a majority of the Councilmembers qualified and serving by giving notice to the City Secretary who shall in turn give notice of such special meetings to all members of the Council *in accordance with state law*. All meetings of the *Council* shall be held at the City Hall of Huntsville or at such other public place as may be approved by Council *and*, except as otherwise permitted by law, all meetings shall be open to the public and closed or executive meetings or sessions shall only be permitted as authorized by law.

**AMENDMENT C.** Amending Article IV, Section 4.08 to conform with state law by inserting "or as required by state law" to the end of the second sentence of the paragraph to read as follows:

The Council shall by ordinance determine its own rules and order of business . A majority of the Council

qualified and serving shall constitute a quorum for all meetings for the transaction of all business, but no action of the Council shall be of any force and effect unless it is adopted by the favorable vote of a majority of the members of the Council qualified and serving, unless otherwise provided by this Charter *or as required by state law*. No action of the Council shall be of any force or effect unless considered by five (5) councilmembers, with no abstentions. Minutes of all meetings of the Council shall be taken and recorded, and such Minutes shall constitute a public record.

**AMENDMENT D.** Amending Article IV, Section 4.11 by deleting "by preliminary resolution" in the first sentence, and deleting the second sentence to read as follows:

The Council may suspend or remove any appointed, salaried officer or employee of the City that the Mayor or Council under this Charter has the power to appoint.

**AMENDMENT E.** Amending Article IV, Section 4.13 by deleting the beginning "Except as otherwise provided by law or by this Charter," and "at least twice within ten days after final passage thereof in the official newspaper and filed with the City Secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts" of the first sentence and inserting "in accordance with state law at the end" to read as follows:

"The City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine, or forfeiture for any violation of any of its provisions, and every other ordinance required by law or by this Charter to be published, by causing the ordinance, or its descriptive caption and penalty, to be published *in accordance with state law*. Such ordinances shall take effect ten days after final passage, provided that any penal ordinance passed as an emergency measure shall take effect immediately upon publication."

**AMENDMENT F.** Amending Article IV, Section 4.16 by removing "Ten Dollars (\$10.00) for each regular meeting that the member attends" and replacing it with the language "Twenty Dollars (\$20.00) per month" to read as follows:

Each Councilmember shall receive a salary of *Twenty Dollars (\$20.00) per month*.

**AMENDMENT G.** Amending the first paragraph in Article IV, Section 4.17 by changing the language "expired" to "unexpired" to read as follows.

For vacancies in the office of Councilmember arising from any cause, for an *unexpired* term of twelve months or less, the remaining members of the City Council may appoint a person to serve as a Councilmember or call a special election to be held on the first uniform election date not earlier than 30 days after the vacancy occurs. The City Council shall not appoint more than one Councilmember in any twelve-month period.

**AMENDMENT H.** Amending Article IV, Section 4.18 by inserting "and removed from" before "the office" in the first sentence and placing a period and then inserting to start a second sentence "The City Council shall determine whether forfeiture has occurred," to read as follows:

The Mayor or a Councilmember who is absent from more than four consecutive regular meetings of the Council, unless such absences are the result of illness or the conduct of official City business, shall be deemed to have forfeited and *removed from* the office. *The City Council shall determine whether forfeitl l re*

*has occurred*, and the Council shall fill such vacancy in the manner prescribed by the Charter.

**AMENDMENT I.** Amending Article V, Section 5.03 by removing "and the power to veto" from the sentence to read as follows :

In the event of the absence, disability, or disqualification of both the Mayor and Mayor Pro Tern at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and that member shall act as Mayor for such particular meeting and shall have power to perform every act, except the power to remove or suspend officers and employees, the Mayor could perform if present.

**AMENDMENT J.** Amending Article V, Section 5.08 by removing subsection "(d) As a member of Council, the Mayor shall vote upon all matters considered by the Council." As section 4.09 of the Charter already provides the Mayor shall vote on every issue that a vote is called, to read as follows:

Unless otherwise provided by law or by this Charter, the powers and responsibilities of the Mayor shall include, but shall not be limited by the following:

- (a) Must appoint, subject to the confirmation and approval of the Council, the City Secretary, the City Attorney, the Municipal Court Judge, the Certified Public Accountant, and all members of all Boards, Commissions and Committees of the City.
- (b) To recommend to the Council such measures, resolutions and ordinances as the Mayor may deem proper and necessary.
- (c) To perform such other duties as may be prescribed by this Charter or required of the Mayor by the Council.

**AMENDMENT K.** Amending Article VI, Section 6.02 to align with state law by deleting "on the first day" from the first sentence as well as deleting "within thirty (30) days of following the date of such order," and inserting "in accordance with the Texas Election Code" in the last sentence remove "the official newspaper of the City" and insert "accordance with state law" to read as follows:

In the event any candidate for Mayor or Councilmember fails to receive a majority of all votes cast for a particular office at any regular or special election, the Mayor or, if the Mayor fails to do so, the Council shall following the completion of the official count of ballots cast at the first election, order a second election to be held on a Saturday *in accordance with the Texas Election Code* at which election the two candidates receiving the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall again be voted for, and the one receiving the highest number of votes cast shall be elected to such office. The City Secretary shall give notice of such run-off election by causing said notice to be published at least ten days prior to the date of such election *in accordance with state law*.

**AMENDMENT L.** Amending Article VI, Section 6.04 by inserting a third sentence "Municipal elections shall be conducted by the appointed election authorities in accordance with state law." to the end of the paragraph to read as follows:

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the Council for the conduct of elections. The Council shall appoint the Election Judges and other election officials and shall provide for

the compensation of all election officials in City elections and for all other expenses of holding such elections. *Municipal elections shall be conducted by the appointed election authorities in accordance with state law.*

**AMENDMENT M.** Amending Article VIII, Section 8.01 by inserting "or its extra-territorial jurisdiction (ETJ)" to the end of the first paragraph to read as follows:

The Council shall appoint a City Manager who shall be the Chief Administrative and Executive Officer of the City. The City Manager shall be chosen by the Council solely on the basis of the person's executive and administrative training, experience, and ability, and need not, when appointed, be a resident of the City of Huntsville; however, during the tenure of office, the City Manager shall reside within the City or its *extra-territorial jurisdiction (ETJ)*.

**AMENDMENT N.** Amending Article VIII, Section 8.03 by removing "and may assign or transfer duties of any department of the City from one department to another by ordinance" from the end of the second sentence to read as follows:

There shall *be* such administrative departments as are established by this Charter and as may be established by ordinance, all of which shall be under the control and direction of the City Manager. The Council may abolish or combine one or more departments created by it.

**AMENDMENT O.** Amending Article I X, Section 9.01 by removing the first sentence, inserting "in the State of Texas" to the second sentence and removing "and shall pass upon all documents, contracts, and legal instruments in which the City may have an interest" from the last sentence and adding "and it shall *be* the duty of the City Attorney to perform all services incident to the position as may be required by statute, this Charter or the Council" to read as follows:

The Council, upon recommendation of the Mayor, shall appoint a competent and duly licensed attorney *in the State of Texas* who shall be its City Attorney. The City Attorney shall be the legal advisor of and attorney for all of the offices and departments of the City and shall represent the City in all litigation and legal proceedings. The City Council may engage other attorneys to assist the City Attorney. The City Attorney shall draft, approve or file any written legal objections to *every* ordinance adopted by the Council, and *It shall be the duty of the City Attorney to perform all services incident to the position as may be required by statute, this Charter or the Council.*

**AMENDMENT P.** Amending Article X, Section 10.01 by adding "there shall be a" and removing "Department of Justice known as the" and adding "Municipal Court of the City of Huntsville" to read as follows:

*There shall be a Municipal Court of the City of Huntsville, which Court shall be deemed always open for the trial of causes, and with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.*

**AMENDMENT Q.** Amending Article XI, Section 11.02 (e) by replacing "Submit to the Council through the Mayor a quarterly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City, with provisions for public access." to read as follows:

*(e) Provide at a minimum quarterly reports/statement that provide sufficient information as to the financial condition of the City. Provisions shall be made for public access.*

**AMENDMENT R.** Amending Article XI, Section 11.02 (f) by deleting first phrase "Publish in the official newspaper of the City" and replacing it with the word "Provide", remove words " Prior to publication", "such acceptance or rejection must be made" also "and shall be reflected on the report when published as above provided" from the third sentence so that 11.02 (f) shall read as follows:

*Provide a financial statement of the financial condition of the City, including the status of all general and special accounts, and bonded and other indebtedness of the City in the form and as often as a majority of the Councilmembers qualified and serving may require, but at least once each fiscal year. Such financial report must be audited by a Certified Public Accountant which shall be the same one as appointed under Section 11.16 of this Charter and shall possess the qualifications as set out in said Section. The financial report shall be submitted to the Council for acceptance or rejection at a regular meeting of the Council and the results shall be made a matter of record. Provision shall be made for public access.*

**AMENDMENT S.** Amending Article XI, Section 11.15 by replacing all the current language "All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of the office, department, or agency, appropriation will be charged, and no contract or order shall be binding on the City unless and until the City Manager certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be used . Before the City makes any purchase or contract for supplies , materials, equipment or contractual services, opportunity shall be given for competition" with Section 11.15 to read as follows:

*The Council may by ordinance confer upon the City Manager's general authority to contract for expenditures without further approval of the Council for all budgeted items. All contracts and purchases shall be made in compliance with applicable state statutes and the City's purchasing policies and procedures approved by Council.*

**AMENDMENT T.** Amending Article XI, Section 11.16 to align with State Law by removing language in the last sentence "immediately in newspaper of the City of Huntsville" and inserting "in accordance with state law" to read as follows:

*At the close of each fiscal year, and at such other times as it may deem necessary, the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant, appointed by the Mayor with approval of the Council. The Certified Public Accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof shall be published in accordance with state law and provisions made for public access.*

**AMENDMENT U.** Amending Article XIV, Section 14.04 to align with Texas Public Information Act by replacing the current language "All public records of every office, department , or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records, vital statistic records, records and files of the Department of Law, and any other records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council" to read as

follows:

*It is hereby declared to be the policy of the City to provide for efficient, economical, and effective controls over all public records of the City, consistent with the requirements of the Local Government Records Act and accepted records management practice. Public records shall be available to the public in accordance with applicable State or Federal law.*

**AMENDMENT V.** Amending Article XIV, Section 14.07 by deleting the word "whatever" from the third sentence and inserting the phrase "unless required by law" to the last sentence to read as follows:

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account. The City shall not be obligated to recognize any assignment of wages by its employees *unless required by law*.

**AMENDMENT W.** Amending Article XIV, Section 14.11 by removing "for each fiscal year" following the word "Mayor", inserting "for each fiscal year" following "Councilmembers for" and replacing the word "each" with "budgeted amount for City Council" to read as follows:

The Council may authorize the reimbursement of actual and receipted expenses incurred by any officer or employee of the City while acting in the City's behalf in their official capacity; provided, the Mayor and Councilmembers for *each fiscal year* shall not be entitled to such reimbursements exceeding the *budgeted amount for City Council* for each fiscal year; the limit may only be exceeded by the affirmative vote of a two-thirds (2/3) majority of the Council qualified and serving.

**AMENDMENT X.** Amending Article XIV, Section 14.18 by removing the words "or employee" and adding a second sentence to read as follows:

Any willful violation of the provisions of this Charter or of the laws of the State of Texas relating to Home Rule Cities shall constitute malfeasance in office, and any officer of the City guilty thereof shall immediately forfeit their office or position, and said office or position shall be deemed vacant. *The City Council shall determine whether forfeiture has occurred.* Any elected official of the City convicted in any court of a crime involving moral turpitude shall forfeit his or her office.

## **CITY OF HUNTSVILLE PROPOSITION A**

**FOR** (A favor)

**AGAINST** (Contra)

Shall the Article IV, Section 4.01 of the City Charter relating to number, election, and term of office be amended to read as follows?



The Council shall be composed of a Mayor and eight Councilmembers. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for *three* year terms, from the first Tuesday following the election until the first Tuesday following the general election *three years* later, or until a successor has been elected and duly qualified. Each Councilmember, unless sooner removed under the provisions of this Charter, shall serve for *three-year* terms, from the first Tuesday following their election until the first Tuesday following the general election *three* years later, or until a successor has been elected and duly qualified.

Shall Article IV, Section 4.01 (b) of the City Charter relating to limitation of number of terms of council member be amended to read as follows?

*Section 4.01(b)*

*All Councilmembers and the Mayor shall be elected for three-year terms. In all elections for Mayor each qualified voter shall vote for not more than one candidate for Mayor. In all elections for Councilmember from the qualified voter's ward, each qualified voter shall vote for not more than one candidate for Councilmember from the qualified voter's ward. In all elections for each of the four council-at-large positions, each qualified voter shall vote for not more than one candidate for each of the four council-at-large positions.*

Shall Article IV, Section 4.01 be amended by inserting section 4.01 (c) to show the transition to three-year terms.

*Section 4.01 (c)*

*Beginning with the November 2024 election, the Council shall transition to three-year terms as provided in this subsection.*

- (/) For the November 2024 election, the candidates elected to the At-Large Positions 1, 2, 3, and 4 shall serve three-year terms.*
- (2) For the November 2025 election, the elected to office of Mayor and Wards 1, 2, 3, and 4 shall serve three-year terms.*
- (3) Thereafter, the candidates elected to the City Council in the November general election will be elected to three-year terms.*

Shall Article IV, Section 4.15 of the City Charter relating to limitation of number of terms of council member be amended to read as follows?

No person shall be elected to more than *three consecutive regular three-year* terms as a Councilmember.

Shall Article V, Section 5.10 of the City Charter relating to limitation on number of terms of mayor be amended to read as follows?

No person shall be elected to more than *three* consecutive regular *three-year* terms as Mayor.

Shall Article V, Section 6.01 of the City Charter relating to general elections be amended to read as follows?

Regular City general elections shall be held on the uniform election date in November. Each election shall be ordered by the Mayor or, in the event the Mayor fails to do so, by the Council. The City Secretary shall give notice of such election by causing the notice to be published *in accordance with State Law*

## **CITY OF HUNTSVILLE PROPOSITION B**

1 **FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.07 of the City Charter relating to the meetings of the council be amended to read as follows?

There shall be one or more regular meetings of the City Council each month, which shall be held at such times and places as shall be prescribed by ordinance. Special meetings may be called at any time by the Mayor, the City Manager, or by a majority of the Councilmembers qualified and serving by giving notice to the City Secretary who shall in turn give notice of such special meetings to all members of the Council *in accordance with state law*. All meetings of the *Council* shall be held at the City Hall of Huntsville or at such other public place as may be approved by Council *and*, except as otherwise pemitted by law, all meetings shall be open to the public and closed or executive meetings or sessions shall only be permitted as authorized by law.

## **CITY OF HUNTSVILLE PROPOSITION C**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.08 to conform with state law by inserting "or as required by *state* law" to the end of the second sentence of the paragraph to read as follows?

The Council shall by ordinance determine its own rules and order of business. A majority of the Council qualified and serving shall constitute a quorum for all meetings for the transaction of all business, but no action of the Council shall be of any force and effect unless it is adopted by the favorable vote of a majority of the members of the Council qualified and serving, unless otherwise provided by this Charter *or as required by state law*. No action of the Council shall be of any force or effect unless considered by five (5) councilmembers, with no abstentions. Minutes of all meetings of the Council shall be taken and recorded, and such minutes shall constitute a public record.

## **CITY OF HUNTSVILLE PROPOSITION D**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.11 of the City Charter relating to the removal of officers appointed by city council be amended to read as follows?

"The Council may suspend or remove any appointed, salaried officer or employee of the City that the Mayor or Council under this Charter has the power to appoint."

#### **CITY OF HUNTSVILLE PROPOSITION E**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.13 of the City Charter relating publication of ordinances be amended to read as follows?

The City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine, or forfeiture for any violation of any of its provisions, and every other ordinance required by law or by this Charter to be published, by causing the ordinance, or its descriptive caption and penalty, to be published *in accordance with state law*. Such ordinances shall take effect ten days after final passage, provided that any penal ordinance passed as an emergency measure shall take effect immediately upon publication.

#### **CITY OF HUNTSVILLE PROPOSITION F**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.16 of the City Charter relating to the compensation of councilmembers be amended to read as follows?

Each Councilmember shall receive a salary of *Twenty Dollars (\$20.00) per month*.

#### **CITY OF HUNTSVILLE PROPOSITION G**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.17 of the City Charter relating to vacancies in the office of councilmember be amended to read as follows?

For vacancies in the office of Councilmember arising from any cause, for an *unexpired* term of twelve months or less, the remaining members of the City Council may appoint a person to serve as a Councilmember or call a special election to be held on the first uniform election date not earlier than 30 days after the vacancy occurs. The City Council shall not appoint more than one Councilmember in any twelve-month period.

#### **CITY OF HUNTSVILLE PROPOSITION H**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IV, Section 4.18 of the City Charter relating to forfeiture of office of council member because of absence be amended to read as follows?

The Mayor or a Councilmember who is absent from more than four consecutive regular meetings of the Council, unless such absences are the result of illness or the conduct of official City business, shall be deemed to have forfeited and *removed from* the office. *The City Council shall determine whether forfeiture has occurred*, and the Council shall fill such vacancy in the manner prescribed by the Charter.

### **CITY OF HUNTSVILLE PROPOSITION I**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article V, Section 5.03 of the City Charter relating to acting mayor to be amended to read as follows?

In the event of the absence, disability, or disqualification of both the Mayor and Mayor Pro Tern at any particular meeting of the Council, the remaining members of the Council shall by election designate one of their members as Acting Mayor and that member shall act as Mayor for such particular meeting and shall have power to perform every act, except the power to remove or suspend officers and employees, the Mayor could perform if present.

### **CITY OF HUNTSVILLE PROPOSITION J**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article V, Section 5.08 of the City Charter relating duties and powers to be amended to read as follows?

Unless otherwise provided by law or by this Charter, the powers and responsibilities of the Mayor shall include, but shall not be limited by the following:

(a) Must appoint, subject to the confirmation and approval of the Council, the City Secretary, the City Attorney, the Municipal Court Judge, the Certified Public Accountant, and all members of all Boards, Commissions and Committees of the City.

(b) To recommend to the Council such measures, resolutions and ordinances as the Mayor may deem proper and necessary.

(c) To perform such other duties as may be prescribed by this Charter or required of the Mayor by the Council.

## **CITY OF HUNTSVILLE PROPOSITION K**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article VI, Section 6.02 of the City Charter relating to run-off elections to be amended to read as follows?

In the event any candidate for Mayor or Councilmember fails to receive a majority of all votes cast for a particular office at any regular or special election, the Mayor or, if the Mayor fails to do so, the Council shall following the completion of the official count of ballots cast at the first election, order a second election to be held on a Saturday *in accordance with the Texas Election Code* at which election the two candidates receiving the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall again be voted for, and the one receiving the highest number of votes cast shall be elected to such office. The City Secretary shall give notice of such run-off election by causing said notice to be published at least ten days prior to the date of such election *in accordance with state law*.

## **CITY OF HUNTSVILLE PROPOSITION L**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article VI, Section 6.04 of the City Charter relating to regulations of elections to be amended to read as follows?

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the Council for the conduct of elections. The Council shall appoint the Election Judges and other election officials and shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections. *Municipal elections shall be conducted by the appointed election authorities in accordance with state law.*

## **CITY OF HUNTSVILLE PROPOSITION M**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article VIII, Section 8.0 I of the City Charter relating to the city manager to be amended to read as follows?

The Council shall appoint a City Manager who shall be the Chief Administrative and Executive Officer of

the City. The City Manager shall be chosen by the Council solely on the basis of the person's executive and administrative training, experience, and ability, and need not, when appointed, be a resident of the City of Huntsville; however, during the tenure of office, the City Manager shall reside within the City or its *extra-territorial jurisdiction (ETJ)*.

#### **CITY OF HUNTSVILLE PROPOSITION N**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article VIII, Section 8.03 of the City Charter relating to administrative departments to be amended to read as follows?

There shall be such administrative departments as are established by this Charter and as may be established by ordinance, all of which shall be under the control and direction of the City Manager. The Council may abolish or combine one or more departments created by it.

#### **CITY OF HUNTSVILLE PROPOSITIONO**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article IX, Section 9.0 I of the City Charter relating to city attorney to be amended to read as follows?

The Council, upon recommendation of the Mayor, shall appoint a competent and duly licensed attorney *in the State of Texas* who shall be its City Attorney. The City Attorney, shall be the legal advisor of and attorney for all of the offices and departments of the City and shall represent the City in all litigation and legal proceedings. The City Council may engage other attorneys to assist the City Attorney. The City Attorney shall draft, approve, or file any written legal objections to every ordinance adopted by the Council, *and it shall be the duty of the City Attorney to perform all services incident to the position as may be required by statute, this Charter or the Council.*

#### **CITY OF HUNTSVILLE PROPOSITION P.**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article X, Section I 0.0 1 of the City Charter relating to municipal court to be amended to read as follows?

*There shall be a Municipal Court of the City of Huntsville, which Court shall be deemed always open for the trial of causes, and with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.*

### **CITY OF HUNTSVILLE PROPOSITION Q**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article XI, Section 11.02 (e) of the City Charter relating to fiscal procedures to be amended to read as follows?

*(e) Provide at a minimum quarterly reports/statem ent that provide sufficient information as to the financial condition of the City. Provisions shall be made for public access.*

### **CITY OF HUNTSVILLE PROPOSITION R**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article XI, Section 11.02 (f) of the City Charter relating to fiscal procedures to be amended to read as follows?

*Provide a financial statement of the financial condition of the City, including the status of all general and special accounts, and bonded and other indebtedness of the City in the form and as often as a majority of the Councilmembers qualified and serving may require, but at least once each fiscal year. Such financial report must be audited by a Certified Public Accountant which shall be the same one as appointed under Section 11.16 of this Charter and shall possess the qualifications as set out in said Section. The financial report shall be submitted to the Council for acceptance or rejection at a regular meeting of the Council and the results shall be made a matter of record and provision shall be made for public access.*

### **CITY OF HUNTSVILLE PROPOSITION S**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article XI, Section 11.15 of the City Charter relating to purchase procedures to be amended to read as follows?

*The Council may by ordinance confer upon the City Manager's general authority to contract for expenditures without further approval of the Council for all budgeted items. All contracts and purchases shall be made in compliance with applicable state statutes and the City's purchasing policies and procedures approved by City Council.*

## **CITY OF HUNTSVILLE PROPOSITION T**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article XI, Section 11.16 of the City Charter relating to independent audit to be amended to read as follows?

At the close of each fiscal year, and at such other times as it may deem necessary, the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant, appointed by the Mayor with approval of the Council. The Certified Public Accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof shall be published *in accordance with state law* and provisions made for public access.

## **CITY OF HUNTSVILLE PROPOSITION U**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article **XIV**, Section 14.04 of the City Charter relating to public records to be amended to read as follows?

*It is hereby declared to be the policy of the City to provide for efficient, economical, and effective controls over all public records of the City, consistent with the requirements of the Local Government Records Act and accepted records management practice. Public records shall be available to the public in accordance with applicable State or Federal law.*

## **CITY OF HUNTSVILLE PROPOSITION V**

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article **XIV**, Section 14.07 of the City Charter relating to assignment, execution, and garnishment to be amended to read as follows?

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account. The City shall not be obligated to recognize any assignment of wages by its employees *unless required by law*.



## CITY OF HUNTSVILLE PROPOSITION W

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article **XIV**, Section 14.11 of the City Charter relating to limitation on reimbursement of expenses to be amended to read as follows?

The Council may authorize the reimbursement of actual and receipted expenses incurred by any officer or employee of the City while acting in the City's behalf in their official capacity; provided, the Mayor and Councilmembers for *each fiscal year* shall not be entitled to such reimbursements exceeding *budgeted the amount for City Council* for each fiscal year; the limit may only be exceeded by the affirmative vote of a two-thirds (2/3) majority of the Council qualified and serving.

## CITY OF HUNTSVILLE PROPOSITION X

**FOR** (A favor)

**AGAINST** (Contra)

Shall Article **XIV**, Section 14.18 of the City Charter relating to violation of charter provisions or laws of the state of Texas to be amended to read as follows?

Any willful violation of the provisions of this Charter or of the laws of the State of Texas relating to Home Rule Cities shall constitute malfeasance in office, and any officer of the City guilty thereof shall immediately forfeit their office or position, and said office or position shall be deemed vacant. *The City Council shall determine whether forfeiture has occurred.* Any elected official of the City convicted in any court of a crime involving moral turpitude shall forfeit his or her office.

**SECTION 6.** Diana L. McRae, the Walker County Election Officer/Tax Assessor-Collector, is the Early Voting Clerk (EVC), and Julie Cooper, Walker County Elections Manager, is appointed Deputy Early Voting Clerk (DEVK), for the joint early voting approved by Commissioners' Court, as with respect to early voting in person and voting by mail.

### EARLY VOTING

Early Voting Site: Walker County Storm Shelter  
455 SH 75 North, Huntsville, TX 77320

Dates of Early Voting: October 23<sup>rd</sup> - November 3<sup>rd</sup>, Monday thru Friday  
Early Voting Times: 8:00 am - 5:00 pm

EXCEPTIONS: There will be two twelve-hour days during early voting:  
Thursday, November 2nd and Friday, November 3rd, from 7:00 am - 7:00 pm.

**Applications for ballot by mail** shall be mailed, faxed, or emailed to:

Diana McRae, Early Voting Clerk

1301 Sam Houston Avenue, Suite 114, Huntsville, Texas 77340

Phone: (936) 436-4959 Fax Number: (936) 436-4961 Email: walkervr@co.walker.tx.us

Early Voting in the election by personal appearance shall be conducted at the times, dates, and polling places as provided for in the Walker County Joint Election Agreement and Election Services Contract between the City of Huntsville, Texas and Walker County, Texas, and further adopts any additions or amendments to such concerning early voting times, dates, and polling location as approved by the Walker County Deputy Elections Administrator.

During the lawful early voting period, such clerk shall keep such place for early voting open for early voting from 8:00 a.m. - 5:00 p.m., Monday through Friday, October 23, 2023, to November 3, 2023; and from 7:00 a.m. - 7:00 p.m. on Thursday, November 2, 2023, and Friday, November 3, 2023; except on official state holidays.

**SECTION 7.** The Mayor and City Secretary are hereby directed to give notice of the election by:

- a) causing said notice of such election to be published at least forty (40) days prior to the date of such election in the newspaper;
- b) by publishing the notice at least one time, not more than thirty (30) days nor less than ten (10) days before the election, in the newspaper;
- c) by filing with the City Secretary, for posting, a copy of said notice at least twenty-one (21) days before the election; and
- d) by posting on the City Hall bulletin board notice of the election at least twenty-one (21) days before the election.
- e) Notice of the Special Election for proposed Charter Amendments shall be published in a newspaper of general circulation published in the municipality. The notice must: include a substantial copy of the proposed amendment, an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

The Mayor and City Secretary shall file with the City Secretary a copy of the notice as published, together with the name of the newspaper and the dates of publication.

**SECTION 8,** 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 such notice having been so posted and remain posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

**SECTION 9,** That the Mayor and/or the City Secretary of the City of Huntsville are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

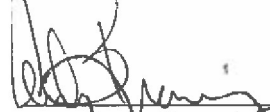
**SECTION 10.** The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and

provisions of any Election Services Contract(s) and the Joint Election Agreement(s) in carrying out the provisions of this Ordinance, whether or not expressly authorized herein.

**SECTION 11.** This ordinance shall take effect from and after its passage.

**PASSED AND APPROVED this 18th day of JULY 2023.**

**THE CITY OF HUNTSVILLE**


  
\_\_\_\_\_  
Andy Brauning, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristy Doll, City Secretary



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leonard Schneider, City Attorney