

CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

Bert Lyle, Position 1 At-Large
Karen Denman, Position 2 At-Large
Vicki McKenzie, Position 3 At-Large
Pat Graham, Position 4 At-Large



Mayor Pro Tem Russell Humphrey, Ward 2
Vacant, Ward 1
Deloris Massey, Ward 3
Jon Strong, Ward 4

CITY COUNCIL AGENDA

TUESDAY, JULY 18, 2023, 6:00 PM

Huntsville Public Library, 1219 13th Street, Huntsville, Texas, 77340

Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413) two working days prior to the meeting for appropriate arrangements.

WORKSHOP (5:00 p.m.)

DISCUSSION

- a. Discus fiscal year 23-24 Budget
Aron Kulhavy, City Manager

MAIN SESSION (6:00 p.m.)

CALL TO ORDER

INVOCATION AND PLEDGES - U.S. Flag and Texas Flag: *Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

PROCLAMATION

- a. Proclamation No. 2023-20 Dr. Scott Sheppard Region 6 Superintendent of the Year
Andy Brauning, Mayor

1. CONSENT AGENDA

The presiding officer will call for public comments before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Consider approving the Minutes from the July 5, 2023 Regular City Council Meeting.
Kristy Doll, City Secretary
- b. Consider authorizing the City Manager to enter into an agreement for dental insurance administrative services.
Sam Masiel, Assistant City Manager

2. STATUTORY AGENDA

- a. Consider adopting Ordinance 2023-16 Ordering a Municipal Election to be held on November 7, 2023, General Election to elect the Mayor at-large and a Councilmember from each of the four Wards to serve two-year terms.
Kristy Doll, City Secretary
- b. Consider adopting Ordinance No. 2023-17 Ordering a Charter Amendment Special Election to be held

on November 7, 2023.
Kristy Doll, City Secretary

3. CITY COUNCIL/MAYOR/CITY MANAGER

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

5. ITEMS OF COMMUNITY INTEREST

6. EXECUTIVE SESSION

- a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Guppy and LTS.

Tammy Gann, Director of Economic Development

7. RECONVENE

Take action on item discussed in executive session, if needed.

ADJOURNMENT

*If during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Kristy Doll, City Secretary, do hereby certify that the above notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.HuntsvilleTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: July 14, 2023

Kristy Doll

TIME OF POSTING: 1:30 p.m.

Kristy Doll, City Secretary

TAKEN DOWN:



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: a.

Agenda Item: Discus fiscal year 23-24 Budget

Initiating Department/Presenter: City Manager

Presenter:

Aron Kulhavy, City Manager

Recommended Motion: Not applicable

Strategic Initiative: Goal #6, Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion:

Previous Council Action:

Financial Implications:

Approvals:

Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: a.

Agenda Item: Proclamation No. 2023-20 Dr. Scott Sheppard Region 6 Superintendent of the Year

Initiating Department/Presenter: City Council

Presenter:

Andy Brauninger, Mayor

Recommended Motion: N/A

Strategic Initiative: N/A

Discussion:

Previous Council Action:

Financial Implications:

Approvals:

Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: 1.a.

Agenda Item: Consider approving the Minutes from the July 5, 2023 Regular City Council Meeting.

Initiating Department/Presenter: City Secretary

Presenter:

Kristy Doll, City Secretary

Recommended Motion: Motion to approve the Minutes from the July 5, 2023 Regular City Council Meeting.

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:

Kristy Doll

Associated Information:

1. July 5, 2023 City Council Minutes

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 5th DAY OF JULY 2023, AT THE HUNTSVILLE PUBLIC LIBRARY, LOCATED AT 1219 13th STREET, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a workshop and regular session with the following:

COUNCILMEMBERS PRESENT: Mayor Brauninger, Mayor Pro Tem Humphrey, Councilmember At-Large Position 2 Denman, Councilmember Ward 3 Massey, Councilmember At-Large Position 3 McKenzie, Councilmember Ward 4 Strong, Councilmember At-Large Position 4 Graham

COUNCILMEMBERS ABSENT: Councilmember At-Large Position 1 Lyle

OFFICERS PRESENT: Aron Kulhavy, City Manager; Kristy Doll, City Secretary; Leonard Schneider, City Attorney

WORKSHOP: (5:00 p.m.)

Mayor Brauninger called the meeting to order at 5:00 p.m.

- a. Discuss Charter amendment suggestions from the Charter Review Committee.
Vicki McKenzie, Councilmember At-Large Position 3

Mayor Brauninger adjourned the meeting at 5:45 p.m.

MAIN SESSION (6:00 p.m.)

CALL TO ORDER (6:00 p.m.)

Mayor Brauninger called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGES - *U.S. Flag and Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

Mayor Brauninger gave the invocation and led the pledges.

PROCLAMATION

- a. Proclamation No. 2023-19 Good Shepherd Mission 40 Years of Serving the Community.
Andy Brauninger, Mayor
- b. Proclamation No. 2023-20 Dr. Scott Sheppard Region 6 Superintendent of the Year.
Postponed until next Council Meeting.
Andy Brauninger, Mayor

PRESENTATION

- a. Present Fire Chief for the Day certificates to Walter and Thomas Castaneda.
Andy Brauninger, Mayor

1. CONSENT AGENDA

The presiding officer will call for public comments before action is taken on these items. (*Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.*).

- a. Consider approving the Minutes from the June 20, 2023, Regular City Council Meeting.
Kristy Doll, City Secretary
- b. Second Reading - Consider adopting Ordinance No. 2023-15 - Amending Chapter 42, "Taxation", Article III, Hotel and Motel Occupancy Tax, of the Code of Ordinances.
Kristy Doll, City Secretary

Councilmember Pat Graham made a motion to approve the Consent Agenda, items a, and b. The motion was seconded by Councilmember Jon Strong. The motion passed 7-0. Yes - Andy Brauninger, Russell Humphrey, Karen Denman, Jon Strong, Vicki McKenzie, Deloris Massey, Pat Graham; No - None

2. STATUTORY AGENDA

- a. Consider authorizing the City Manager to enter into a Chapter 380 Agreement with Zenner, USA to incentivize capital investment and job creation through a waiver of permit fees, grants of funds, and financial incentives for job creation.
Tammy Gann, Director of Economic Development

Councilmember Russell Humphrey made a motion to authorize the City Manager to enter into a Chapter 380 Agreement with Zenner, USA to incentivize capital investment and job creation through a waiver of permit fees, grants of funds, and a financial incentive for job creation. The motion was seconded by Councilmember Pat Graham. The motion passed 7-0. Yes - Andy Brauninger, Russell Humphrey, Karen Denman, Jon Strong, Vicki McKenzie, Deloris Massey, Pat Graham; No - None

3. CITY COUNCIL/MAYOR/CITY MANAGER

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

None

5. ITEMS OF COMMUNITY INTEREST

Mayor and Council announced Items of Community Interest.

6. EXECUTIVE SESSION

- a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.071 to receive legal advice on Cause No. 2130313 City of Huntsville v Walker County ESD #3.
Leonard Schneider, City Attorney**

City Council convened in closed session at 6:19 p.m.

7. RECONVENE

Council reconvened from Executive Session into Open Session at 6:43 p.m.

ADJOURNMENT

Mayor Brauninger adjourned the meeting without objection at 6:44 p.m.

ATTEST:

CITY OF HUNTSVILLE

Kristy Doll, City Secretary

Andy Brauninger, Mayor



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: 1.b.

Agenda Item: Consider authorizing the City Manager to enter into an agreement for dental insurance administrative services.

Initiating Department/Presenter: Human Resources

Presenter:

Sam Masiel, Assistant City Manager

Recommended Motion: Move to authorize the City Manager to approve a contract with Delta Dental for a fully funded dental premium in the amount of \$232,983.

Strategic Initiative: Goal #6, Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: The City currently utilizes TML Health to administer our fully insured non-ortho dental plan. This plan covers active, retiree, and Cobra employees. However, TML has notified the City that retiree coverage will be dropped from the plan beginning January 1, 2024. As a result, the City solicited bids for a new dental plan that would include coverage for active employees, retirees, Cobra, and include orthodontics coverage as well. After review of bids, staff recommended Delta Dental, which offers a fully insured plan that includes an option for orthodontics coverage for active employees and retirees. This agreement is a two-year contract ending December 31, 2025.

The estimated premium cost to the city for the fully insured Delta Dental plan is approximately \$232,397 (depending on the number of employees/retirees on the plan).

Previous Council Action: The City Council approved the current contract on 11/15/2022.

Financial Implications: Item is budgeted: 302-1302-78982 in the amount of \$242,470.

Approvals:

Aron Kulhavy

Kristy Doll

Associated Information:

1. Bid Tab - Bid NO. 23-33 2024 Employee and Retiree Group Dental Insurance
2. City of Huntsville Delta Dental Benefit Summary_Rates Eff. 1.1.2024

Bid Tabulation

Project Name: Bid NO. 23-33 2024 Employee and Retiree Group Dental Insurance

Location: 1212 Avenue M Huntsville, TX 77340

Date: May 5, 2023 Time: 2:00 PM



	Met Life		
	CURRENT - Dental 4	PROPOSED	
	W/O Ortho	W/O Ortho	With Ortho
Carrier	Fully - Funded (TMLHB/BCBS TX)	Metropolitan Life Insurance Company	
Calendar Year Deductible (Individual)	\$50 Combined between Tier 2 and 3	\$ 50.00	N/A
Calendar Year Deductible (Family)	N/A	\$ 150.00	N/A
Annual Maximum Benefit (Per Person)	\$ 1,500.00	\$ 1,500.00	N/A
3-Month Deductible Carryover	No	N/A	N/A
TYPE 1 - DIAGNOSTIC & PREVENTIVE			
Routine Oral Exam	100%	100%	N/A
Cleaning	100%	100%	N/A
X-Rays	100%	100%	N/A
Fluoride Treatment	100%	100%	N/A
Child Sealants	100%	100%	N/A
TYPE 2 - BASIC SERVICES			
Space Maintainers	80%	100%	N/A
Emergency Palliative Treatment	80%	80%	N/A
Fillings	80%	80%	N/A
Prefab Stainless Steel or Resin Crowns	80%	80%	N/A
Simple Extractions & Oral Surgery	80%	80%	N/A
Anesthesia	80%	80%	N/A
Repair of Prosthetics	80%	50%	N/A
TYPE 3 - MAJOR SERVICES			
Periodontal Services	50%	80%	N/A
Endodontic Services	50%	80%	N/A
Crowns & Inlay/Onlay Services	50%	50%	N/A
Bridgework	50%	50%	N/A
Dentures	50%	50%	N/A
ORTHODONTIA			
Individual Lifetime Deductible	N/A	N/A	N/A
Diagnostic Procedures & Treatment	N/A	N/A	N/A
Lifetime Maximum Benefit (Per Person)	N/A	N/A	N/A
Late Entrant Waiting Periods	N/A	N/A	N/A
Allowable Amount	N/A	N/A	N/A

ACTIVE/RETIREE RATES					
EE / Retiree / CORA	W/O Ortho	Active/Retiree Employee Contribution	Active/Retiree Employee Contribution	COBRA	MetLife
Employee Only	160	\$ 14.00	\$ 14.44	\$ 29.01	\$ 37.33
Employee + Spouse	23	\$ 20.00	\$ 46.82	\$ 68.16	\$ 87.72
Employee + Child(ren)	46	\$ 18.00	\$ 43.10	\$ 62.32	\$ 80.21
Employee + Family	42	\$ 26.00	\$ 59.24	\$ 86.94	\$ 111.90
Total	271				

	Delta Dental		
	CURRENT - Dental 4	PROPOSED	
	W/O Ortho	W/O Ortho	With Ortho
Carrier	Fully - Funded (TMLHB/BCBS TX)	Delta Dental	
Calendar Year Deductible (Individual)	\$50 Combined between Tier 2 and 3	\$50 Combined between Tier 2 and 3	\$50 Combined between Tier 2 and 3
Calendar Year Deductible (Family)	N/A	\$150 Combined between Tier 2	\$150 Combined between Tier 2
Annual Maximum Benefit (Per Person)	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
3-Month Deductible Carryover	No	No	No
TYPE 1 - DIAGNOSTIC & PREVENTIVE			
Routine Oral Exam	100%	100%	100%
Cleaning	100%	100%	100%
X-Rays	100%	100%	100%
Fluoride Treatment	100%	100%	100%
Child Sealants	100%	100%	100%
TYPE 2 - BASIC SERVICES			
Space Maintainers	80%	100%	100%
Emergency Palliative Treatment	80%	80%	80%
Fillings	80%	80%	80%
Prefab Stainless Steel or Resin Crowns	80%	50%	50%
Simple Extractions & Oral Surgery	80%	80%	80%
Anesthesia	80%	80%	80%
Repair of Prosthetics	80%	80%	80%
TYPE 3 - MAJOR SERVICES			
Periodontal Services	50%	80%	80%
Endodontic Services	50%	80%	80%
Crowns & Inlay/Onlay Services	50%	50%	50%
Bridgework	50%	50%	50%
Dentures	50%	50%	50%
ORTHODONTIA			
Individual Lifetime Deductible	N/A	N/A	\$ -
Diagnostic Procedures & Treatment	N/A	N/A	N/A
Lifetime Maximum Benefit (Per Person)	N/A	N/A	\$ 1,500.00
Late Entrant Waiting Periods	N/A	N/A	N/A
Allowable Amount	N/A	N/A	N/A

ACTIVE/RETIREE RATES				
EE / Retiree / CORA	W/O Ortho	Active/Retiree Employee Contribution	W/O Ortho	W/ Ortho
Employee Only	203	\$ 14.00	\$ 34.33	\$ 37.98
Employee + Spouse	39	\$ 20.00	\$ 80.67	\$ 89.23
Employee + Child(ren)	46	\$ 18.00	\$ 73.76	\$ 81.59
Employee + Family	45	\$ 26.00	\$ 102.90	\$ 113.82
Total	333			



Delta Dental Benefit Summary

Effective 1/1/2024

	Without Ortho	With Ortho
Carrier	Delta Dental	
Rate Guarantee	24 Months thru 12/31/2025	
Calendar Year Deductible (Individual) - Combined Tier 2 and 3	\$50	\$50
Calendar Year Deductible (Family)- Combined Tier 2 and 3	\$150	\$150
Annual Maximum Benefit (Per Person)	\$1,500	\$1,500
3-Month Deductible Carryover	No	No
Waiting Period	No	No
UCR Out of Network Percentile	90th	90th
TYPE 1 - DIAGNOSTIC & PREVENTIVE		
Routine Oral Exam	100%	100%
Cleaning	100%	100%
X-Rays	100%	100%
Fluoride Treatment	100%	100%
Child Sealants	100%	100%
TYPE 2 - BASIC SERVICES		
Space Maintainers	100%	100%
Filings	80%	80%
Root Canal Treatment & Planning	80%	80%
Periodontic Maintenance (Frequency)	80%	80%
Periodontal Surgery	80%	80%
Extractions	80%	80%
General Anesthesia	80%	80%
Deep IV Sedation	80%	80%
Palliative Treatment (Relief of Pain)	80%	80%
TYPE 3 - MAJOR SERVICES		
Crowns & Inlay/Onlay Services	50%	50%
Bridgework	50%	50%
Dentures	50%	50%
Implants	50%	50%
ORTHODONTIA		
Orthodontal Eligibility	N/A	Adult & Children
Individual Lifetime Deductible	N/A	\$0
Lifetime Maximum Benefit (Per Person)	N/A	\$1,500
Orthodontia	N/A	50%



Delta Dental Rate Summary

Effective 1/1/2024

ACTIVE/RETIREE RATES

EE / Retiree / COBRA	Active/Retiree Employee Contribution Without Ortho	Active/Retiree Employee Contribution With Ortho	Active/Retiree Employer Contribution	Employer / Employee Rate Without Ortho	Employer / Employee Rate With Ortho
Employee/Retiree Only	\$ 15.34	\$ 18.99	\$ 18.99	\$ 34.33	\$ 37.98
Employee/Retiree + Spouse	\$ 27.13	\$ 35.69	\$ 53.54	\$ 80.67	\$ 89.23
Employee/Retiree + Child(ren)	\$ 24.81	\$ 32.64	\$ 48.95	\$ 73.76	\$ 81.59
Employee/Retiree + Family	\$ 34.61	\$ 45.53	\$ 68.29	\$ 102.90	\$ 113.82
	Cobra Participant Contributions Without Ortho	Cobra Participant Contributions With Ortho			
Cobra Single	\$ 35.02	\$ 38.74			
Cobra Single + Spouse	\$ 82.28	\$ 91.01			
Cobra Single + Child(ren)	\$ 75.24	\$ 83.22			
Cobra Single + Family	\$ 104.96	\$ 116.10			



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: 2.a.

Agenda Item: Consider adopting Ordinance 2023-16 Ordering a Municipal Election to be held on November 7, 2023, General Election to elect the Mayor at-large and a Councilmember from each of the four Wards to serve two-year terms.

Initiating Department/Presenter: City Secretary

Presenter:

Kristy Doll, City Secretary

Recommended Motion: Move to adopt Ordinance 2023-16 calling the November 7, 2023, General Election to elect a Mayor at-large and four councilmembers, one from each of the city's four wards.

Strategic Initiative: Goal #6, Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: Huntsville Municipal Code Section 6.01 states Regular City general elections shall be held on the uniform election date in November, to be effective and starting January 1, 2010. All Councilmembers and the Mayor shall be elected for two-year terms, provided that the Mayor and Councilmembers from all Wards shall be elected on odd-numbered years beginning in November 2011.

Ordinance 2023-16 states the election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas and authorizes the City to enter into an Election Services Agreement and a Joint Election Agreement with Walker County.

Only one reading is required for an Ordinance calling an election.

Previous Council Action: No previous action

Financial Implications: This item is budgeted in account number 101-114-56020 in the amount of \$27,000.

The participating authorities in the Walker County Joint Election Agreement agree to share election expenses and the cost for the 2023 General Election, which will be determined by the number of entities participating and the number of ballot items from each entity.

Approvals:

Aron Kulhavy

Kristy Doll

Associated Information:

1. Final Ord 2023-16 calling election for mayor & ward positions - November 7 2023

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A MUNICIPAL ELECTION TO BE HELD ON THE 7th DAY OF NOVEMBER 2023, FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE AND FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR WARDS, ONE, TWO, THREE, AND FOUR; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.

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

SECTION 1. The regular municipal election of the City of Huntsville, prescribed by Section 6.01 of the City Charter, 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 the purpose of electing a Mayor at-large and four Ward Councilmembers, one for each of the City's four wards: (1) one, (2) two, (3) three, and (4) four.

SECTION 2. The registered voters of Walker County 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
2341 FM 980, Huntsville, Texas 77320

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. Any eligible and qualified person may have his name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate the date that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on July 22, 2023, and must be filed not later than 5:00 p.m. on August 21, 2023.

SECTION 5. A Mayor At-Large and Councilmembers for each of the City's four wards shall be selected. The Mayor and Ward Councilmembers to be elected shall hold office for a period of two (2) years.

SECTION 6. Each of the five Councilmembers (the Mayor and the four Ward Councilmembers) shall be citizens of the United States, qualified and registered voters of the State of Texas; residents within the present corporate limits of Huntsville for at least twelve months immediately preceding the election; and current in payment of taxes and assessments due to the City.

SECTION 7. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by section 52.094 of the Texas Election Code.

The form of the ballot for the election shall be as follows:

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

INSTRUCTION NOTE: Vote for the candidate of your choice in each race by placing an "X" in the square beside the candidate's name.

Mayor (Vote for one)

- ☐ (candidate's name)
- ☐ (candidate's name)

Councilmember, Ward One (Vote for one)

- ☐ (candidate's name)
- ☐ (candidate's name)

Councilmember, Ward Two (Vote for one)

- ☐ (candidate's name)
- ☐ (candidate's name)

Councilmember, Ward Three (Vote for one)

- ☐ (candidate's name)
- ☐ (candidate's name)

Councilmember, Ward Four (Vote for one)

- ☐ (candidate's name)
- ☐ (candidate's name)

SECTION 8. 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 23rd – November 3rd, 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 9. 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.

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 10. 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 remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

SECTION 11. 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 12. 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 13. 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:

APPROVED AS TO FORM:

Kristy Doll, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: 2.b.

Agenda Item: Consider adopting Ordinance No. 2023-17 Ordering a Charter Amendment Special Election to be held on November 7, 2023.

Initiating Department/Presenter: City Secretary

Presenter:

Kristy Doll, City Secretary

Recommended Motion: Move to adopt Ordinance 2023-17 calling the November 7, 2023, Charter Amendment Special Election.

Strategic Initiative: Goal #2, Communications - Provide public information outreach efforts that inform the public of City operations, accomplishments and policies and allows for citizens input on matters of Council policy.

Discussion: The ordinance 2023-17 calling the November 7, 2023, Charter amendment special election, lists the amendments and corresponding ballot language recommended by the Charter Review Committee.

Per the City Charter, the City reviews its Charter at least every five years, and the City's last Charter amendment election was on November 6, 2018. The Charter Review Committee was appointed on February 21, 2023, and completed its work in July 2023. The City Council heard the committee's recommendations at a workshop on July 5th.

As this item relates to the calling of an election, only a single reading of the ordinance is required per Charter Section 4.12(3).

Previous Council Action: No previous action

Financial Implications: This item is budgeted in account number 101-114-56020.

The participating authorities in the Walker County Joint Election Agreement agree to share election expenses and the cost for the 2023 General Election, which will be determined by the number of entities participating and the number of ballot items from each entity.

Approvals:

Aron Kulhavy

Kristy Doll

Associated Information:

1. Recommended Charter Amendments List -7-12-2023

Charter Review Committee

Recommended Charter Amendments for November 7, 2023 Election

Amendment A.

Sec. 4.01. Number, selection and term of office.

- 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-two~~ **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-two~~ **three**-year terms, from the first Tuesday following their election until the first Tuesday following the general election ~~three two~~ years later, or until a successor has been elected and duly qualified.
- b) All Councilmembers and the Mayor shall be elected for three- ~~two~~-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.
- 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.

Sec. 4.15. Limitation of number of terms of councilmember.

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

Sec. 5.10. Limitation on number of terms of mayor.

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

Sec. 6.01. General elections.

Regular City general elections shall be held on the uniform election date in November, ~~to be effective and starting January 1, 2010. All Councilmembers and the Mayor shall be elected for three-two-year terms, provided that the Mayor and Councilmembers from all Wards shall be~~

~~elected on odd numbered years beginning in November 2011 and all Councilmembers at Large shall be elected on even numbered years beginning in November 2010. In all odd year elections, each qualified voter shall vote for not more than one candidate for Mayor and for not more than one candidate for Councilmember from the qualified voter's ward. In all even year elections, each qualified voter shall vote for not more than one candidate for each of the four Council at Large positions. 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 at least forty days prior to the date of such election in the official newspaper of the City~~ in accordance with state law.

Amendment B.

Sec. 4.07. Meetings of the council.

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 ~~at least twelve hours prior to such meeting~~ in accordance with state law. ~~Provided, however, any member of the Council may either before or after such meeting waive such notice.~~ All meetings of the council ~~Council~~ shall be held at the City Hall of Huntsville or at such other public place ~~within the city~~ 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.

Sec. 4.08. Rules of procedure.

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.

Sec. 4.11. Removal of officers appointed by city council.

The Council may ~~by preliminary resolution~~ 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. ~~If within ten days of such suspension the officer or employee requests in writing a hearing before~~

~~Council, a hearing shall be held not less than six nor more than twenty days from such request. After such hearing, Council may adopt a final resolution of removal by an affirmative vote of the majority of Council.~~ **The action of Council shall be final as to the removal of the said officer or employee.**

Amendment E.

Sec. 4.13. Publication of ordinances

~~Except as otherwise provided by law or by this Charter, 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 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~~ **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.

Sec. 4.16. Compensation of councilmembers.

Each Councilmember shall receive a salary of ~~Ten Dollars (\$10.00) for each regular meeting that the member attends~~ **Twenty Dollars (\$20.00) per month.**

Amendment G.

Sec. 4.17. Vacancies in the office of councilmember

For vacancies in the office of Councilmember arising from any cause, for an ~~unexpired~~ **expired** 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.

Sec. 4.18. Forfeiture of office of councilmember because of absence.

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 remove 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.

Amendment I.

Sec. 5.03. Acting mayor.

In the event of the absence, disability, or disqualification of both the Mayor and Mayor Pro Tem 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 ~~and the power of veto~~, the Mayor could perform if present.

Amendment J.

Sec. 5.08. Other duties and powers.

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.
- ~~(d) As a member of Council, the Mayor shall vote upon all matters considered by the Council.~~

Amendment K.

Sec. 6.02. Run-off elections.

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 ~~on the first day~~ 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** ~~within thirty (30) days following the date of such order~~, 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**. ~~the official newspaper of the City.~~

Amendment L.

Sec. 6.04. Regulation of elections.

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.

Sec. 8.01. The city manager.

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.

Sec. 8.03. Administrative departments.

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. ~~and may assign or transfer duties of any department of the City from one department to another by ordinance.~~

Amendment O.

Sec. 9.01. City attorney.

~~There shall be a Department of Law, the head of which shall be the City Attorney. 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 shall pass upon all documents, contracts, and legal instruments in which the City may have an interest.~~ **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.

Sec. 10.01. Municipal court.

There shall be a Department of Justice known as the **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.

Sec. 11.02. Fiscal procedures.

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

Amendment R.

Sec. 11.02. Fiscal procedures.

- (f) ~~Publish in the official newspaper of the City,~~ **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. ~~Prior to publication, The financial report shall be submitted to the Council for acceptance or rejection. Such acceptance or rejection must be made at a regular meeting of the Council and the results shall be made a matter of record and shall be reflected on the report when published as above provided.~~ Provision shall be made for public access.

Amendment S.

Sec. 11.15. Purchase procedures.

~~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. 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.

Amendment T.

Sec. 11.16. Independent audit.

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 immediately in a newspaper of the City of Huntsville in accordance with state law and provisions made for public access.

Amendment U.

Sec. 14.04. Public records.

~~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.~~

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.

Sec. 14.07. Assignment, execution, and garnishment.

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 ~~whatever~~. The City shall not be obligated to recognize any assignment of wages by its employees **unless required by law**.

Amendment W.

Sec. 14.11. Limitation on reimbursement of expenses.

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 ~~for each fiscal year~~ and Councilmembers for **each fiscal year** shall not be entitled to such reimbursements exceeding ~~each~~ **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.

Sec. 14.18. Violation of charter provisions or laws of the state of Texas.

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 ~~or employee~~ 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.

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 amendment 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 follow:

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
2341 FM 980, Huntsville, Texas 77320

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.

"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.

"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 to end of the fourth sentence to sections 4.01 (b) and 4.01 (c) by 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, deleting the entire second sentence and replacing it with “The action of Council shall be final as to the removal of the said officer or employee” 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, 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 the first part of the second sentence~~ 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.

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 Tem 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 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 IX, Section 9.01 by removing the first sentence, inserting “in the State of Texas” to the second sentence and removing “and shall pass upon 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 removing “Department of Justice known as the” 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” 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 paragraph 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” and Section 11.15 shall 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 whole 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 XVI, 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 XVI, 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 *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 XVI, Section 14.18 by removing the words “or employee” and adding ~~the~~ 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 4.15 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 in section 4.01 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.

- (4) For the November 2024 election, the candidates elected to the at-large Positions 1, 2, 3, and 4 shall serve three-year terms.*
- (5) For the November 2025 election the elected to office of Mayor and Wards 1, 2, 3, and 4 shall serve three-year terms.*
- (6) 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

- ☐ **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 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.”

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 councilmember 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 Tem 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:

- (b) 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.
- (d) To recommend to the Council such measures, resolutions and ordinances as the Mayor may deem proper and necessary.
- (e) 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 8.01 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 PROPOSITION O

- ☐ **FOR** (A favor)
- ☐ **AGAINST** (Contra)

Shall Article IX, Section 9.01 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 10.01 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/statement 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 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.

PASSED AND APPROVED this 18th day of JULY 2023.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Kristy Doll, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

7/18/2023

Agenda Item Number: 6.a.

Agenda Item: City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Guppy and LTS.

Initiating Department/Presenter: Economic Development

Presenter:

Tammy Gann, Director of Economic Development

Recommended Motion: No action required

Strategic Initiative: Goal #3, Economic Development – Promote and enhance a strong and diverse economy.

Discussion:

Previous Council Action:

Financial Implications:

Approvals:

Tammy Gann

Kristy Doll

Associated Information: