



NOTICE OF SPECIAL ELECTION

To the registered voters of the City of Huntsville, Texas:

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., November 7th, 2023 for voting in special election to adopt or reject proposed amendments to the City Charter.

Election Day Countywide Polling Places allow voters to vote at any of the open polling places.

- Walker County Fair Grounds, 3925 SH 30 WEST, Huntsville, Texas, 77340
- Walker County Storm Shelter / Veteran's Complex, 455 SH 75 North, Huntsville, Texas, 77320
- University Heights Baptist Church, 2400 Sycamore Avenue, Huntsville, Texas, 77340
- 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 North, Huntsville, Texas, 77320
- Northside Baptist Church, 1207 FM 980, Huntsville, Texas 77320
- Riverside Global Methodist Church 2341 FM 980, Huntsville, Texas 77320

During early voting, a voter may vote at the location listed below:

Walker County Storm Shelter
455 SH 75 North
Huntsville, TX 77320

Dates of Early Voting: October 23, 2023 - November 3, 2023

Early Voting Times: 8:00 am - 5:00 pm

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

Applications for ballot by mail shall be mailed to:

Diana McRae, Early Voting Clerk
Walker County Annex
1301 Sam Houston Avenue, #114
Huntsville, TX 77340
(936)436-4959
Email: walkervr@co.walker.tx.us
Website: www.co.walker.tx.us

Applications for ballots by mail must be received no later than the close of business on Friday, October 27, 2023.

AMENDMENTS TO CITY CHARTER ON THE BALLOT

CITY OF HUNTSVILLE AMENDMENT A

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?

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.

Shall Article IV, of the City Charter relating to the limitation of number of terms of councilmembers be amended by inserting section 4.01(b) to read as follows?

Section 4.01(b)

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

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

Section 4.01 (c)

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

- (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.*

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*.

The proposed amendment if approved may have a potential cost savings of \$25,000 every three years if there is not a special election held on the third year.

CITY OF HUNTSVILLE AMENDMENT B

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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT C

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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT D

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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT E

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.

The proposed amendment would have no fiscal impact to the City

CITY OF HUNTSVILLE AMENDMENT F

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.*

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT G

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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT H

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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT I

Shall Article V, Section 5.03 of the City Charter relating to Acting Mayor 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT J

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

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

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

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

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

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT K

Shall Article VI, Section 6.02 of the City Charter relating to run-off elections 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*.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT L

Shall Article VI, Section 6.04 of the City Charter relating to regulations of elections 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.*

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT M

Shall Article VIII, Section 8.01 of the City Charter relating to the city manager 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)*.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT N

Shall Article VIII, Section 8.03 of the City Charter relating to administrative departments 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT O

Shall Article IX, Section 9.01 of the City Charter relating to city attorney 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.*

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT P

Shall Article X, Section 10.01 of the City Charter relating to municipal court 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT Q

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

(e) 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT R

Shall Article XI, Section 11.02 (f) of the City Charter relating to fiscal procedures 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT S

Shall Article XI, Section 11.15 of the City Charter relating to purchase procedures 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT T

Shall Article XI, Section 11.16 of the City Charter relating to independent audit 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT U

Shall Article XIV, Section 14.04 of the City Charter relating to public records 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.

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT V

Shall Article XIV, Section 14.07 of the City Charter relating to assignment, execution, and garnishment 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.*

The proposed amendment would have no fiscal impact to the City.

CITY OF HUNTSVILLE AMENDMENT W

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

The Council may authorize the reimbursement of actual and receipted expenses incurred by any officer or employee of the City while acting in the City's behalf in their official capacity; provided, the Mayor and Councilmembers for *each fiscal year* shall not be entitled to such reimbursements exceeding *budgeted the*

amount for City Council for each fiscal year; the limit may only be exceeded by the affirmative vote of a two-thirds (2/3) majority of the Council qualified and serving.

The proposed amendment would have no fiscal impact to the City.

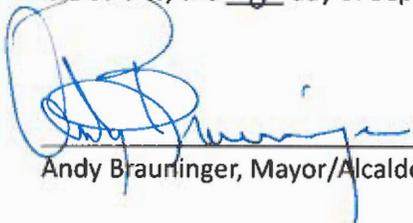
CITY OF HUNTSVILLE AMENDMENT X

Shall Article XIV, Section 14.18 of the City Charter relating to violation of charter provisions or laws of the state of Texas 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.

The proposed amendment would have no fiscal impact to the City.

Issued this, the 8 day of September 2023



Andy Brauringer, Mayor/Alcalde



Kristy Doll, City Secretary/Secretario de la Ciudad



Date Posted: September 11, 2023

Time Posted: 4:00 p.m.

Taken Down: