

# HUNTSVILLE ★ 2023

## CHARTER AMENDMENT ELECTION

### **Amendment A**

Shall Section 4.01 (a), (b), (c), Section 4.15, Section 5.10, and Section 6.01 of the Charter be amended to change the length of terms of the Mayor and eight Councilmembers from two-year terms to three-year terms?

#### **Charter language, if approved:**

#### **Section 4.01 (a). Number, Selection and Term of Office**

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.

#### **Section 4.01 (b). Number, Selection and Term of Office**

*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.*

#### **Section 4.01 (c). Number, Selection and Term of Office**

*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 the 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.*

#### **Section 4.15 Limitation of Number of Terms of Councilmember**

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

#### **Section 5.10 Limitation on the Number of Terms of Mayor**

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

#### **Section 6.01 General Elections**

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**

**Shall Section 4.07 of the Charter be amended to align with state law for special meeting notice requirements and to allow the City Council to approve a change in location for City Council Meetings if needed?**

**Charter language, if approved:**

#### **Section 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 *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**

**Shall Section 4.08 of the Charter be amended to conform with state law by inserting “or as required by state” law when conducting business?**

**Charter language, if approved:**

#### **Section 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**

**Shall Section 4.11 of the Charter be amended regarding the actions of the Mayor and Council toward appointed officers and employees?**

**Charter language, if approved:**

#### **Section 4.11 Removal of Officers Appointed by City Council**

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**

**Shall Section 4.13 of the Charter be amended so the publication requirements of ordinances align with state law?**

**Charter language, if approved:**

#### **Section 4.13 Publication of Ordinances**

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**

**Shall Section 4.16 of the Charter be amended to give Councilmembers a**

monthly salary rather than a salary dependent on meeting attendance?

**Charter language, if approved:**

**Section 4.16 Compensation of Councilmembers**

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

### **Amendment G**

**Shall Section 4.17 of the Charter be amended for clarification?**

**Charter language, if approved:**

**Section 4.17 Vacancies in the Office of Councilmember**

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**

**Shall Section 4.18 of the Charter be amended to clarify the removal of a councilmember for absences?**

**Charter language, if approved:**

**Section 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 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**

**Shall Section 5.03 of the Charter be amended to remove the power of veto from**

**the Acting Mayor? The Power of veto is not a duty or power of the Mayor or Mayor Pro Tem.**

**Charter language, if approved:**

**Section 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, the Mayor could perform if present.

### **Amendment J**

**Shall Section 5.08 of the Charter be amended to align with the requirements of the Mayor in Section 5.06?**

**Charter language, if approved:**

**Section 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.

### **Amendment K**

**Shall Section 6.02 of the Charter be amended to align with Texas State Law and the Texas Election Code for a Run-off Election?**

**Charter language, if approved:**

**Section 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 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**

**Shall Section 6.04 of the Charter be amended to ensure that elections are conducted in accordance with state law?**

**Charter language, if approved:**

**Section 6.04 Regulations 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**

**Shall Section 8.01 of the Charter be amended to allow the City Manager to**

**reside within the City or its extra-territorial jurisdiction during the tenure of office?**

**Charter language, if approved:**

**Section 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**

**Shall Section 8.03 of the Charter be amended to relieve the Council of the duty to assign and transfer duties from one City department to another?**

**Charter language, if approved:**

**Section 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.

**Amendment O**

**Shall Section 9.01 of the Charter be amended to require that the City Attorney be an Attorney in the State of Texas and describe services?**

**Charter language, if approved:**

**Section 9.01 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 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**

**Shall Section 10.01 of the Charter be amended for clarification?**

**Charter language, if approved:**

#### **Section 10.01 Municipal Court**

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**

**Shall Section 11.02 (e) of the Charter be amended to provide quarterly reports of the City's financial condition for public access?**

**Charter language, if approved:**

#### **Section 11.02 (e) Fiscal Procedures**

*(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.*

### **Amendment R**

**Shall Section 11.02 (f) of the Charter be amended so that the financial statement will be accessible to the public, but not required to be published in the official newspaper?**

**Charter language, if approved:**

#### **Section 11.02 (f) Fiscal Procedure**

*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.*

### **Amendment S**

**Shall Section 11.15 of the Charter be amended for clarification?**

**Charter language, if approved:**

#### **Section 11.15 Purchase Procedure**

*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**

**Shall Section 11.16 of the Charter be amended to align with state law?**

**Charter language, if approved:**

#### **Section 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 in accordance with state law and provisions*

made for public access.

### **Amendment U**

**Shall Section 14.04 of the Charter be amended to align with the Local Government Records Act, state law, or federal law?**

**Charter language, if approved:**

#### **Section 14.04 Public Records**

*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**

**Shall Section 14.07 of the Charter be amended to align with the requirements by law?**

**Charter language, if approved:**

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

### **Amendment W**

**Shall Section 14.11 of the Charter be amended to have expenditure**

**reimbursements during the fiscal year for amounts within the budgeted amounts?**

**Charter language, if approved:**

#### **Section 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 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.

### **Amendment X**

**Shall Section 14.18 of the Charter be amended to allow the City Council to determine if forfeiture has occurred when an officer of the city has shown malfeasance in office?**

**Charter language, if approved:**

#### **Section 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 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.