

ORDINANCE NO. 1177

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A SPECIAL HOME-RULE ELECTION IN THE CITY OF GRAHAM, TEXAS, TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF GRAHAM, TEXAS, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Graham, 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, has determined to submit the following proposed amendments of the existing Charter of the City of Graham at a special election to be held concurrently with the general election to be held November 5, 2024.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, TEXAS:

SECTION 1 - ELECTION ORDER AND NOTICE OF ELECTION

There is hereby ordered a Special Election to be participated in by the qualified voters of the City of Graham, Texas, to be held on the first Tuesday in November, being the fifth day of November 2024, between the hours of 7:00 am and 7:00 pm, for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the following proposed amendments to the existing Charter of the City of Graham, Texas.

SECTION 2 - PROPOSED AMENDMENTS

The City Council of the City of Graham has proposed nine Charter amendments in the form of Propositions as follows:

PROPOSITION A - Shall Section 3 of the Graham City Charter be amended to read:

"Section 3 - Annexation

(a) That, in accordance with applicable state laws, the City Council of the City of Graham, Texas, shall have the power and authority by ordinance duly adopted by the City council to extend and enlarge the corporate boundaries of the City of Graham only through annexation of additional territory which lies within the City's exclusive extra-territorial-jurisdiction.

(b) Property owners who have ownership of territory which lies in the exclusive extra-territorial-jurisdiction of the City may petition the City Council for annexation in accordance with applicable state laws.

(c) An ordinance annexing property shall describe, by metes and bounds, the territory so annexed and, upon the passage and adoption of said ordinance, such territory shall become a part of the City of Graham and included in its corporate limits. This Section shall control in the event of a conflict of an ordinance or part of an ordinance adopted by the City Council in conflict with this Section."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION B - Shall Section 4 of the Graham City Charter be amended to read:

"Section 4 - Reserved

This Section was repealed at the November 5, 2024 Charter amendment election. Language previously in this Section was moved to Section 3(b)."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION C - Shall Section 9 of the Graham City Charter be amended to read:

"All legislative and executive powers of the city shall be vested in the City Council which shall be elected in the manner proposed by this Charter. The terms board of aldermen, city council, and council shall all refer to the governing body of the City of Graham. The terms alderman and councilmember shall mean a member of the governing body other than the mayor."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION D - Shall Section 12 of the Graham City Charter be amended to read:

"Each member for the City Council shall be a resident of the City of Graham. A person desiring to file for candidacy for the position of Mayor or Councilmember must meet the following qualifications: (a) be a United States citizen, (b) be 18 years of age on the date of election, (c) have been a resident of the City of Graham for six months prior to the date of election, (d) have paid all property taxes which are due to the City, and (e) be otherwise eligible for candidacy per the eligibility requirements for public office as stated in Section 141.001 of the Texas Election Code."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION E - Shall Section 25 of the Graham City Charter be amended to read:

"At the next called meeting which occurs after the date upon which canvassing of the municipal election is allowed under Texas Election Code, the City Council shall canvass the results of a municipal election during which the positions of Mayor, or at least one Councilmember, are elected, The City Council shall meet at the usual place and time for holding such meetings, at which time, the newly elected Mayor or Councilmember(s) shall assume the duties of office. The City Council shall be the judges of the election and qualifications of its members, subject to review by the courts, and in accordance with the Texas Election Code.

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION F - Shall Section 25.1 of the Graham City Charter be created and added to the City of Graham Charter to read thusly:

Sec. 25.1 - Forfeiture of office by Mayor or Councilmember for a felony conviction; expulsion of Mayor or Councilmember for disorderly behavior

(a) In the event that the Mayor, or any Councilmember, is convicted of a felony while in office, the incumbent shall be deemed 'not qualified for office' and shall thereby immediately forfeit the office to which the Mayor or Councilmember was previously elected.

(b) The City Council may determine its own rules of procedure and punish its members for disorderly behavior. The Mayor, or a Councilmember, may be expelled from the City Council for disorderly behavior. Expulsion of the Mayor or a City Councilmember for disorderly behavior may only be affected through passage of an Expulsion Resolution. The Expulsion Resolution must receive a favorable vote from three-fourths of the City Council for passage.

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION G - Shall Section 25.2 of the Graham City Charter be created and added to the Graham City Charter to read thusly:

Sec. 25.2 - Frequency of City Council meetings, special meetings, and meeting in closed session

(a) The City Council shall meet at such time and place as may be prescribed by ordinance, but not less frequently than once every two weeks unless, by a majority vote of the Council, a scheduled meeting is cancelled. A majority of all the members elected to the City Council shall constitute a quorum to conduct official business of the Council. The Council shall make its planned meeting schedule available to the public.

(b) Special meetings may be called by the Mayor, may be called by the City Secretary upon the written request of three Councilmembers, or may be called by the City Manager. All meetings of the City Council, and of the boards and committees thereof, except as hereinafter provided, shall be open to the public and the City Council shall provide that citizens shall have an opportunity to be heard at any such meeting in regard to any matter, or to be considered, thereat.

(c) Closed (also called 'Executive') sessions of the City Council, and of the boards and committees thereof, shall be held in accordance with the terms and provisions contained within the various laws, statutes, rules, and regulations collectively referred to as the 'Texas Open Meetings Act'."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

PROPOSITION H – Shall Section 117 of the Graham City Charter be amended to read:

"The City may enforce its ordinances by setting fines consistent with applicable state laws. Provisions may also be made by ordinance for the collection of fines imposed and executions issued in civil cases."

Fiscal Impact Statement: In the event this proposition is approved, the City may experience an increase in revenue from the increase in the possible amount of fines collected for ordinance violations.

PROPOSITION I - Shall Section 128 of the Graham City Charter be amended to read:

"The provisions of this Charter, in so far as they may conflict with the state laws, shall not supersede state law and the conflicting provisions of this Charter shall be held invalid."

Fiscal Impact Statement: In the event this proposition is approved, it will have no fiscal impact on the City or its residents.

SECTION 3 - OFFICIAL BALLOT

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that each voter may vote "For" or "Against" any amendment or amendments without voting "For" or "Against" all such amendments, and each proposed amendment shall include a Fiscal Impact Statement.

SECTION 4 - OFFICIAL POLLING PLACE

The official polling place for the Special Home Rule Election shall be North Central Texas College, 928 Cherry Street, Graham, Texas 76450, and shall be open from 7:00 a.m. to 7:00 p.m. on Election Day, November 5, 2024.

SECTION 5 - ESTABLISHMENT OF EARLY VOTING PLACE, DATE, AND TIMES

Kaitlyn Mosley is hereby appointed Early Voting Clerk and early voting shall be conducted at Young County Annex, 417 Second Street, Graham, Texas 76450, in accordance with the Texas Election Code. Early voting shall begin on October 21, 2024, end on November 1, 2024, and shall be conducted Monday through Friday during 8:00 a.m. to 5:00 p.m. with extended early voting hours on October 31, 2024, and November 1, 2024 from 7:00 a.m. to 7:00 p.m.

SECTION 6 - APPLICATION FOR BALLOTS BY MAIL

Applications for ballots by mail shall be mailed (or sent by fax to 940-221-2104) to:

Young County Elections Administrator
Kaitlyn Mosley
417 Second Street
Graham, Texas 76450

Application for ballots by mail must be received no later than close of business on October 25, 2024.

SECTION 7 - NOTICE OF POSTING AND PUBLICATION

Notice of posting and publishing of said election and the preparation of ballots for said election will be in accordance with the Texas Election Code.

SECTION 8 - CANVASS OF THE ELECTION

The City Council of the City of Graham shall canvass the election on November 21, 2024.

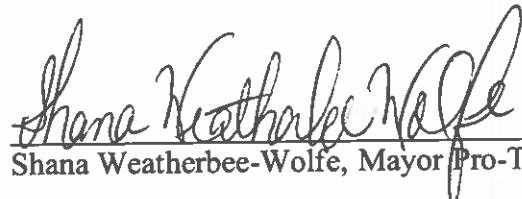
SECTION 9 - CONFLICTS

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10 - EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage by a majority vote of Councilmembers present at the time of consideration. The City, by virtue of passage of this Ordinance, does hereby expressly waive the requirement for three readings of this Ordinance in order to meet uniform standards for local elections, per the Texas Elections Code,

READ, APPROVED, AND ADOPTED this the 6th day of June 2024.


Shana Weatherbee-Wolfe, Mayor Pro-Tem

ATTEST:


Marci Bueno, City Secretary/Financial Official