

**ORDINANCE NO. 857**

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF GRANITE SHOALS GENERAL ELECTION OF SATURDAY, MAY 4, 2024 FOR THE PURPOSE OF ELECTING A PLACE ONE CITY COUNCIL MEMBER, A PLACE TWO CITY COUNCIL MEMBER, A PLACE FOUR CITY COUNCIL MEMBER, AND A PLACE SIX CITY COUNCIL MEMBER; AND CANVASSING THE RESULTS OF THE CITY'S SPECIAL ELECTION OF MAY 4, 2024 FOR THE PURPOSE OF VOTER REAUTHORIZATION OF THE LOCAL SALES AND USE TAX FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; AND CANVASSING THE RESULTS OF THE CITY'S MAY 4, 2024 SPECIAL ELECTION FOR THE PURPOSE OF AMENDING THE CITY CHARTER; ENTERING AN ORDER INTO THE RECORDS THAT THE CHARTER AMENDMENTS AND THE SALES AND USE TAX REAUTHORIZATION ARE ADOPTED; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AUTHORIZATION TO EXECUTE AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Granite Shoals, Texas (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City by Ordinance No. 854 duly called a general election to be held May 4, 2024 to allow voters of the City to vote and elect City Council Members for Places One, Two, Four, and Six; and

**WHEREAS**, this City Council by Ordinance No. 847 did order a special election to be held May 4, 2024 for the purpose of amending the Home Rule Charter of the City of Granite Shoals; and

**WHEREAS**, this City Council by Ordinance No. 852 did order a special election to be held May 4, 2024 for the purpose of determining whether its local sales and use tax rate that is dedicated to the maintenance and repair of municipal streets should be reauthorized; and

**WHEREAS**, the City Council of the City has reviewed and investigated all matters pertaining to this Election, including the calling, notices, election officers, holding and making returns of said election; and,

**WHEREAS**, the election officers who held said election have duly examined the returns of the results thereof, and said returns have been duly delivered to said City Council; and

**WHEREAS**, the City Council desires to canvass the returns and declare the results of the general and special election held on May 4, 2024;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

**Section 1: Election; Returns; Canvass.** The Council officially finds, determines, and declares that the May 4, 2024 general election to elect City Council Places 1, 2, 4, and 6, the special election to re-authorize the City's sales and use tax for the maintenance and repair of municipal streets, and the special election to amend the City Charter were duly and properly conducted (collectively, the "Election"), that proper legal notice of such Election was duly given, that proper election officers were duly appointed prior to the Election; that the Election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the Election, that due returns of the results of the Election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the ordinances and Charter of the City of Granite Shoals, the laws of the State of Texas, the laws of the United States of America, and the orders calling the Election.

**Section 2:** The official returns of the election officials having been opened, examined, and canvassed, the City Council hereby finds that the votes cast for each proposition on the ballot for the Election are as follows:

Election Results for Council Place One. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place 1 position for Brian Edwards and such individual is hereby elected as Council Member, Place 1.

Election Results for Council Place Two. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place 2 position for Mike Pfister and such individual is hereby elected as Council Member, Place 2.

Election Results for Council Place Four. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place 4 position for Dr. Steve Hougen and such individual is hereby elected as Council Member, Place 4.

Election Results for Council Place Six. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place 6 position for Catherine Bell and such individual is hereby elected as Council Member, Place 6.

Election Results for Proposition 1: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition 1:

Should the City of Granite Shoals re-adopt a local sales and use tax in the City of Granite Shoals at the rate of one percent to provide revenue for maintenance and repair of municipal streets?

*Passed with 214 votes for and 69 votes against.*

Election Results for Proposition A: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition A:

Shall Article III, Section 3.01 of the City Charter (Composition) be amended to remove language from the initial adoption of the Charter in 2005 regarding the appointment of City Council Place 5 because that position is now elected?

*Passed with 244 votes for and 36 votes against.*

Election Results for Proposition B: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition B:

Shall Article III, Section 3.05 of the City Charter (Vacancies, Forfeiture and Filling of Vacancies) be amended to clarify the process used by City Council to elect a Mayor Pro Tem following the appointment to fill the vacancy of the Mayor Pro Tem position?

*Passed with 235 votes for and 43 votes against.*

Election Results for Proposition C: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition C:

Shall Article III, Section 3.06 of the City Charter (Powers of the City Council) be amended to modify the powers of City Council to conform with Section 4.02 of the Charter, which grants the City Manager authority to appoint or remove the City Secretary subject to approval of City Council, and to amend Section 3.06 of the Charter to grant the City Council the authority to eliminate administrative departments and to perform annual reviews of the City Manager, Municipal Judge(s), and City Attorney?

*Passed with 207 votes for and 73 votes against.*

Election Results for Proposition D: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition D:

Shall Article III, Section 3.07 (Prohibitions) be amended to clarify that Council may not dictate the appointment or removal of contractors whom the City Manager is authorized to appoint, and to prohibit the mayor or any council member from holding a contractor position with the City for one year after the expiration of their term of office?

*Passed with 234 votes for and 43 votes against.*

Election Results for Proposition E: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition E:

Shall Article III, Section 3.10 of the City Charter (Conflicts of Interest) be amended to require the City Attorney to make recommendations to city council members with a potential conflict of interest regarding an agenda item?

*Passed with 250 votes for and 29 votes against.*

Election Results for Proposition F: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition F:

Shall Article IV, Section 4.01 of the City Charter (City Manager) be amended to modify the City Manager's qualifications, remove the statement that a City Manager is preferred but not required to be a resident of the City, and to require the City Manager to provide monthly financial updates to the City Council?

*Passed with 205 votes for and 74 votes against.*

Election Results for Proposition G: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition G:

Shall Article IV, Section 4.02 of the City Charter (City Secretary) be amended to remove language describing the job functions of the City Secretary, because the City Manager determines these functions pursuant to Section 4.01(5) of the Charter?

*Passed with 194 votes for and 84 votes against.*

Election Results for Proposition H: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition H:

Shall Article IV, Section 4.03 of the City Charter (Municipal Court) be amended to conform the City's municipal court of record with state law by providing for a presiding municipal judge and one or more associate municipal judges serving four-year terms?

*Passed with 240 votes for and 35 votes against.*

Election Results for Proposition I: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition I:

Shall Article IV, Section 4.04 of the City Charter (City Attorney) be amended to require the City Attorney to make recommendations to the City Council regarding potential conflicts of interest?

*Passed with 260 votes for and 17 votes against.*

Election Results for Proposition J: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition J:

Shall Article IV, Section 4.06 of the City Charter (Personnel System) be amended to remove the City Secretary from the requirement that the City's personnel rules must include a plan for an annual evaluation of the City Secretary by the City Council?

*Passed with 195 votes for and 81 votes against.*

Election Results for Proposition K: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition K:

Shall Article V, Section 5.02 of the City Charter (Filing for Office) be amended to add a qualification for candidates for elected City offices that they be a qualified voter within the corporate limits of the City prior to the filing date to run for that office, and remain so while in office, and to also require a City employee to resign from employment with the City after being sworn in to a City elected office?

*Passed with 254 votes for and 24 votes against.*

Election Results for Proposition L: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition L:

Shall Article V, Section 5.04 of the City Charter (Official Results) be amended to clean up language addressing tie votes in council elections and the canvass of council elections?

*Passed with 241 votes for and 34 votes against.*

Election Results for Proposition M: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition M:

Shall Article IX, Section 9.02 of the City Charter (Duties and Powers) be amended to require the Planning and Zoning Commission to provide reports or presentations to City Council on potential costs or financial impacts regarding matters brought before the Commission?

*Passed with 257 votes for and 22 votes against.*

Election Results for Proposition N: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition N:

Shall Article XI, Section 11.07 of the City Charter (Charter Review Commission) be amended to require an appointed Charter Review Commission to begin its functions by June 1<sup>st</sup> of the year in which it is formed?

*Passed with 245 votes for and 31 votes against.*

Election Results for Proposition O: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition O:

Shall Article XI, Section 11.08 of the City Charter (Submission of Charter to Electors) be

amended to comply with state law, which requires that voters be allowed to vote to approve or disapprove any one or more proposed charter amendments without having to approve all of the amendments in a single vote?

*Passed with 267 votes for and 17 votes against.*

Election Results for Proposition P: The Council certifies that a MAJORITY of the resident, qualified voters of the City voted as follows for Proposition P:

Shall Article XIV, Section 14.01 of the City Charter (Nepotism) be amended to align the Charter with state law regarding the hiring of employees or contractors who are related to the Mayor, City Manager, or any City Council member?

*Passed with 267 votes for and 14 votes against.*

**Section 3.** The City Council finds and declares that Propositions 1, A, B, D, E, F, G, H, I, J, K, L, M, N, O, and P were passed, and the City Charter is hereby amended in accordance with Propositions A, B, D, E, F, G, H, I, J, K, L, M, N, O, and P.

**Section 4.** In accordance with Texas Local Government Code Section 9.005, this Ordinance shall constitute an order that Propositions A, B, D, E, F, G, H, I, J, K, L, M, N, O, and P and all amendments therein referenced set forth in Exhibit A of a conformed version of Ordinance 847, showing that the above-referenced amendments, which are incorporated herein and made a part hereof for all purposes, are adopted and have been approved by a majority of the qualified voters of the City of Granite Shoals who voted at the special election to consider the propositions to amend the City Charter. The City Secretary is hereby directed to enter a full and correct copy of this Ordinance and Ordinance 847, as amended, into the official minutes of this meeting and it shall become an official record of the City of Granite Shoals.

**Section 5.** The City Secretary is hereby directed to send to the Texas Secretary of State a certified copy of this Ordinance as well as a certified copy of Ordinance 847, and a certified copy of the amended City Charter in accordance with Texas Local Government Code Section 9.007.

**Section 6.** The City Secretary is hereby directed to record in the City Secretary's Office the City Charter amendments adopted by the voters of the City, and to provide a conformed version of the City Charter with the amendments to be available to all members of the public in accordance with Texas Local Government Code Section 9.008.

**Section 7.** The City Secretary is hereby directed to send to the Texas State Comptroller of Public Accounts a certified copy of this Ordinance.

**Section 8.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose



of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

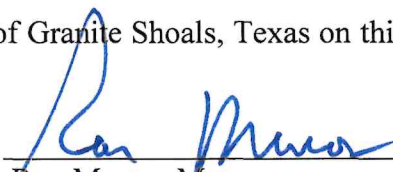
**Section 9.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section 10.** If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

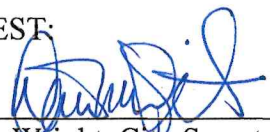
**Section 11.** The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**Section 12.** This Ordinance shall become effective immediately upon its passage and approval.

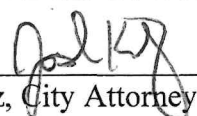
**PASSED AND APPROVED** by the City Council of Granite Shoals, Texas on this the 14<sup>th</sup> day of May, 2024.

  
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Ron Munos, Mayor

ATTEST:

  
\_\_\_\_\_  
Dawn Wright, City Secretary

APPROVED AS TO FORM:

  
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Josh Katz, City Attorney

