

**ORDINANCE 23-506**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE MAY 6, 2023 GENERAL AND SPECIAL ELECTIONS, FOR THE PURPOSE OF ELECTING THE MAYOR, COUNCIL MEMBER POSITION 2 AND COUNCIL MEMBER POSITION 3; CONTINUING A SALES AND USE TAX FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS IN THE CITY; AND REGARDING THE ADOPTION OF TWO (2) PROPOSED AMENDMENTS TO THE EXISTING CITY OF RICHWOOD HOME RULE CHARTER**

**WHEREAS**, the City Council of the City of Richwood, Texas (the “City”) ordered an election to be held in the City on May 6, 2023, for the purpose of electing a Mayor and Council Members to Position 2 and 3 for a term of two (2) years; and

**WHEREAS**, the City Council of the City of Richwood, Texas (the “City”) also held a special election on May 6, 2023, for the purpose of submitting to the qualified voters of the City of Richwood, twenty-two (22) amendments to the City of Richwood Home Rule Charter, PROPOSITIONS hereinafter stated; and

**WHEREAS**, the City Council of the City of Richwood, Texas (the “City”) also held a special election on May 6, 2023, for the purpose of proposing the reauthorization of the local sales and use tax in the city of Richwood at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized; and

**WHEREAS**, the City Council of the City (the “Council”) has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding, and making returns of said election; and

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

**WHEREAS**, the City Council officially finds and determines that the following votes were cast at said election for the Position of Mayor, Council Member Position 2, and Council Member Position Number 3:

<b>Mayor</b>				
<b>Choice Party</b>	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
Mark Brown II	0	25	37	62
Michael W. Durham	0	53	55	108

<b>Council, Position 2</b>				
<b>Choice Party</b>	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
William J. Yearsin	0	26	46	72
Mike Challenger	0	51	45	96

<b>Council, Position 3</b>				
<b>Choice Party</b>	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
Amanda Reynolds	0	63	74	137

**WHEREAS**, the Council officially finds and determines that the following votes were cast at said election on the submitted PROPOSITIONS by the resident, qualified electors of the City, who voted at the election:

### **SALES TAX REAUTHORIZATION**

#### **Proposition A**

The reauthorization of the local sales and use tax in the City of Richwood at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
<b>FOR</b>	0	61	59	120
<b>AGAINST</b>	0	18	30	48

### **CHARTER AMENDMENTS**

#### **Proposition A**

Shall Section 7.02 be amended to require petitions for legislation initiative be signed by the qualified voters of the City equal in number to at least ten percent (10%) of the qualified voters of the City?

	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
<b>YES</b>	0	58	78	136
<b>NO</b>	0	17	9	26

#### **Proposition B**

Shall Section 11.12 (b) be amended to require the City Council to call for any amendments to the Charter of the City of Richwood recommended by the Charter Review Commission be presented to qualified voters of the City.

	<b>Absentee</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>
<b>YES</b>	0	70	81	151
<b>NO</b>	0	7	6	13

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHWOOD, TEXAS THAT:

1. The City Council officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with applicable law including the Texas Election Code; due returns of the result of said election have been made and delivered; and the Council has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

2. The City Council officially finds and determines that the following persons are hereby elected to their respective offices of the positions of Mayor, Council Position 2 and Council Position 3 by the resident, qualified electors of the City, who voted at the election:

<b>Position</b>	<b>Elected Official</b>
Mayor	Michael W. Durham
Council, Position 2	Mike Challenger
Council, Position 3	Amanda Reynolds

3. That the City Council officially declares the reauthorization of the local sales and use tax in the City of Richwood at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

4. The City Council officially declares the adoption of the amendments to the charter in accordance with Amendments A – V. The text of the newly amended sections of the City Charter is attached hereto and incorporated herein for all purposes as Attachment A.

5. The Council officially finds, determines, and declares the result of said election to be that all of the PROPOSITIONS so submitted have received a favorable majority vote in all respects and have carried.

PASSED AND APPROVED by the Council of the City of Richwood on the 15<sup>th</sup> day of May, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

## ATTACHMENT “A”

### PROPOSITION A:

#### Section 7.02. Initiative.

Qualified voters of the City of Richwood may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. The petition must be signed by the qualified voters of the City equal in number to at least ~~twenty percent (20%)~~ **ten percent (10%)** of the qualified voters of the City. The petition shall be signed as provided in section 6.03 of this Charter. The petition may consist of one or more copies as permitted in section 6.04 of this Charter, but each copy shall have attached to it a copy of the proposed ordinance or resolution. The petition shall be filed with the person performing the duties of City Secretary. In the next regularly scheduled City Council meeting and noticed in accordance with the Texas Open Meetings Act, the person performing the duties of City Secretary shall present the petition and the proposed ordinance or resolution to the City Council. Upon presentation to it of the petition and the proposed ordinance or resolution, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or within the time frames established by law, call a special election to be held on the next uniform election date under state law by which lawful notices can be given and full absentee balloting had, at which the qualified voters of the City of Richwood shall vote on the question of adopting or rejecting the proposed legislation. City Council shall be permitted to make any such alterations as are necessary to make such legislation compliant with state law. If any such legislation seeks the enforcement of any illegal act or any act for which the City lacks authority to enforce, City Council shall not pass or adopt the ordinance or resolution.

### PROPOSITION B:

#### Section 11.12. Charter Review Commission.

The City Council shall appoint each even numbered year a Charter Review Commission of five citizens of the City.

(a) Duties of the Commission. It shall be the duty of such Charter Review Commission to:

1. Inquire into the operations of the City government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
2. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City government;
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;
4. Report its findings and present its proposed amendments, if any, to the City Council.

(b) Action by the City Council. The City Council shall receive and have published in a newspaper of general circulation in the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendments or amendment be presented as a part of such report ~~may~~**shall** order such amendment or amendments to be submitted to the voters of the City in the manner provided by the applicable statute of the State of Texas.

(c) Term of office. The term of office of such Charter Review Commission shall be one year and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.