

RESOLUTION NO 2024-23

A RESOLUTION OF THE CITY OF TOMBALL, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF SPECIAL ELECTION HELD IN SAID CITY ON MAY 4, 2024, REGARDING PROPOSITIONS RELATING TO THE APPROVAL OF AMENDMENTS TO THE CITY OF TOMBALL CHARTER; AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN SAID CITY ON MAY 4, 2024, REGARDING TWO COUNCIL POSITIONS.

WHEREAS, under and by virtue of Resolution No. 2024-02, duly resolved by the City Council of the City of Tomball, Texas, and thereafter published in accordance with the law, a General Election was held in the City of Tomball, Texas on May 4, 2024, at which two (2) council positions were submitted to the duly qualified, resident electors of the City for their action thereon; and

WHEREAS, under and by virtue of Ordinance No. 2042-02, duly passed by the City Council of the City of Tomball, Texas, and thereafter published in accordance with the law, a Special Election was held in the City of Tomball, Texas on May 4, 2024, at which seventeen (17) propositions were submitted to the duly qualified, resident electors of the City for their action thereon; and

WHEREAS, the City Council has investigated all matters pertaining to the general and special election and has determined that notice of said general and special election was actually given as required by law, and said election was duly and legally held on May 4, 2024, in conformity with the election laws of the State of Texas, the City Charter and the Voting Rights Act of 1965, and the results of said general and special election has been certified and returned to the City Council by the proper judges and clerks thereof; and

WHEREAS, the Council so finds that the City Secretary has tabulated the results of said general and special election and certified such tabulation for the City Council, and that such tabulation is correct:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. That the findings contained in the preamble are found to be true and are adopted as findings of fact.

Section 2. That the tabulation of votes cast for the Positions of Council 2 and 4 in the General Election held on May 4, 2024, made and certified to by the City Secretary of the City of Tomball, Texas, be and the same is hereby adopted as the official tabulation filed and recorded in the official records of the City of Tomball as the official canvass of said General Election.

Section 3. The official canvass of the returns of said General Election reflects the following

Council Position 2

Paul Garcia 150Sheryl Martinez 83

Council Position 4

Lisa A. Covington 198

Section 4. The official canvass of the returns of said General Election reflects the

Councilmember, Position 2 is **Paul Garcia**

Councilmember, Position 4 is **Lisa A. Covington**

Section 5. That the tabulation of votes cast for the purposes of amendments to the Charter

Section 6. The propositions on which the votes were held read as follows:

Proposition A

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING THE FOLLOWING SECTIONS TO CORRECT NON-SUBSTANTIVE ISSUES, SUCH AS MISSPELLINGS AND GRAMMATICAL ERRORS; ADDING CLARITY; REMOVING REDUNDANCIES OF LANGUAGE; AND REMOVING OUTDATED CODE REFERENCES:

ART. III, SEC. 3.07 – REMOVE “ON ACCOUNT OF” AND REPLACE WITH “DUE TO” TO CLARIFY THAT ANY DEBT BY THE CITY WILL NOT CAUSE THE CITY TO BE SUBJECT TO GARNISHMENT.

ART. IV, SEC. 4.01 – REMOVE “WILL” AND REPLACE WITH “WITH” TO CORRECT A TYPOGRAPHIC ERROR.

ART. V, SEC. 5.07 – REMOVE AN OUTDATED REFERENCE TO THE “TEXAS ELECTION CODE 67.003.”

ART. VI, SEC. 6.03 – ADD “AND” TO FIX A GRAMMATICAL ERROR.

ART. VI, SEC. 6.12 – CHANGE “COUNCIL MEMBERS” TO “MEMBERS OF THE COUNCIL” TO PROVIDE CLARITY TO A REFERENCE TO THE COUNCIL INSTEAD OF REFERENCE TO AN INDIVIDUAL COUNCILMEMBER.

ART. VI, SEC. 6.13 – CHANGE “COUNCIL MEMBERS” TO “MEMBERS OF THE COUNCIL” TO PROVIDE CLARITY TO A REFERENCE TO THE COUNCIL INSTEAD OF REFERENCE TO AN INDIVIDUAL COUNCILMEMBER.

ART. VI, SEC. 6.13 – CREATE SEPARATE SENTENCES OF WHAT CONSTITUTES A QUORUM AND WHAT CONSTITUTES A MAJORITY FOR A BINDING VOTE TO PROVIDE CLARITY.

ART. VII, SEC. 7.07 – CHANGE “AN ATTORNEY” TO “LEGAL COUNSEL” TO PROVIDE CLARITY TO WHO SHALL BE APPOINTED AS THE CITY ATTORNEY.

ART. VII, SEC. 7.08 – CHANGE “CITY JUDGE” TO “JUDGE OF THE MUNICIPAL COURT TO PROVIDE CLARITY TO THE POSITION AND ALIGN THE TERM UNDER CURRENT STATE LAW.

ART. IX, SEC. 9.03 – CHANGE “INSURE” TO “ENSURE” TO CORRECT A TYPOGRAPHIC ERROR.

ART. X, SEC. 10.02 – REMOVE AN OUTDATED REFERENCE TO “ARTICLE 970(A), SECTION 4, V.A.T.S., MUNICIPAL ANNEXATION ACT.”

Proposition B

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE I, INTRODUCTORY PROVISIONS, SECTION 1.05, GENDER OF WORDING, BY REMOVING THE LANGUAGE “EITHER SEX” AND REPLACING WITH “ANY GENDER”?

Proposition C

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE II, FORM OF GOVERNMENT AND BOUNDARIES, SECTION 2.03, ANNEXATION, BY REMOVING LANGUAGE INCONSISTENT WITH RECENT CHANGES TO TEXAS STATE LAW?

Proposition D

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE V, ELECTIONS, SECTION 5.01, ELECTIONS: REGULAR AND SPECIAL, BY CONSOLIDATING THE REQUIREMENT THAT AN ELECTION

BE PUBLICIZED INTO LANGUAGE THAT REQUIRES AN ELECTION TO BE CONDUCTED IN ACCORDANCE WITH THE TEXAS ELECTION CODE, REMOVING REDUNDANT REQUIREMENTS AND BY STATING THAT THE REGULAR CITY ELECTION SHALL BE HELD ANNUALLY ON THE UNIFORM ELECTION DATES AS DESIGNATED BY THE TEXAS ELECTION CODE AND REMOVING LANGUAGE DESIGNATED SPECIFIC DAYS OF THE WEEK?

Proposition E

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE V, ELECTIONS, SECTION 5.03, FILING FOR OFFICE, BY ADDING A REQUIREMENT THAT ALL APPLICANTS FILE ALL FORMS REQUIRED BY CITY AND STATE LAW?

Proposition F

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VI, THE TOMBALL CITY COUNCIL, SECTION 6.08, MAYOR AND MAYOR PRO-TEM, AND ARTICLE VII, ADMINISTRATIVE SERVICES, SECTION 7.01, CITY MANAGER, IN ORDER TO CLARIFY THE RESPONSIBILITIES OF EACH OFFICE BY REMOVING THE RESPONSIBILITY OF THE MAYOR TO SEE THAT ALL ORDINANCES, BYLAWS AND RESOLUTIONS OF THE COUNCIL ARE FAITHFULLY OBEYED AND ENFORCED; AND ADDING SUCH LANGUAGE TO THE RESPONSIBILITIES OF THE CITY MANAGER?

Proposition G

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VI, THE TOMBALL CITY COUNCIL, SECTION 6.10, APPOINTMENTS AND REMOVALS, BY CLARIFYING THE COUNCIL'S ROLE IN APPROVING CERTAIN CITY ADMINISTRATIVE POSITIONS AS RECOMMENDED BY THE CITY MANAGER, SUCH AS THE ASSISTANT CITY SECRETARY, CHIEF OF POLICE, CITY SECRETARY, FINANCE DIRECTOR, FIRE CHIEF, DIRECTOR OF PUBLIC WORKS, AND DIRECTOR OF COMMUNITY DEVELOPMENT.

Proposition H

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VI, THE TOMBALL CITY COUNCIL, SECTION 6.14, ORDINANCES, BY REMOVING THE REQUIREMENT FOR AN ORDINANCE TO BE PUBLISHED IN BOOK OR PAMPHLET FORM AND BY REMOVING THE REQUIREMENT THAT AT THE FIRST READING AN ORDINANCE MUST BE READ IN ITS ENTIRETY UNLESS A MOTION IS MADE AND PASSED SUSPENDING THE REQUIREMENT?

Proposition I

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE IV, THE TOMBALL CITY COUNCIL, BY ADDING SECTION 6.17, LIAISON WITH BOARDS AND COMMISSIONS, REQUIRING THE COUNCIL TO APPOINT A COUNCILMEMBER TO SERVE AS A LIAISON TO EACH BOARD AND COMMISSION AND REMOVING SECTION 10.01, PARAGRAPH E, THAT THE CITY MANAGER SHALL SERVE AS LIAISON BETWEEN THE COMMISSION AND THE COUNCIL?

Proposition J

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY REPLACING THE TERM COUNCILMAN OR COUNCILMEN WITH THE TERM COUNCILMEMBER OR COUNCILMEMBERS IN ARTICLE VI, THE TOMBALL CITY COUNCIL, SECTIONS 6.02, NUMBER, SELECTION, AND TERM; 6.03, QUALIFICATION; 6.04, COMPENSATION; 6.06, HOLDING DUAL OFFICES; 6.08, MAYOR AND MAYOR PRO-TEM; 6.12, MEETINGS OF COUNCIL; AND 6.13, RULES OF PROCEDURE TO PROVIDE CONSISTENCY WITH THE REST OF THE CITY OF TOMBALL CHARTER?

Proposition K

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VII, ADMINISTRATIVE SERVICES, SECTION 7.01, CITY MANAGER, BY CHANGING THE YEAR THAT THE FIRST WRITTEN REPORT FROM THE CITY MANAGER TO COUNCIL ON CHARTER REVISION NEEDS IS DUE FROM 2019 TO 2029?

Proposition L

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE 7, ADMINISTRATIVE SERVICES, SECTION 7.08, MUNICIPAL COURT, BY UPDATING THE REQUIREMENTS AND CONDITIONS TO REMOVE A MUNICIPAL JUDGE AND THE LENGTH OF TERM A MUNICIPAL JUDGE SERVES TO ALIGN WITH CURRENT STATE LAW?

Proposition M

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VIII, MUNICIPAL FINANCE, SECTION 8.07, PUBLIC HEARING ON BUDGET, BY REMOVING SPECIFIC LANGUAGE AS TO THE NUMBER OF DAYS PRIOR TO A SCHEDULED MEETING NOTICE MUST BE PUBLISHED AND REPLACING WITH LANGUAGE THAT ALIGNS THE NOTICE REQUIREMENT WITH CURRENT STATE LAW?

Proposition N

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VIII, MUNICIPAL FINANCE, SECTION 8.14, ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES, BY REMOVING AMBIGUOUS LANGUAGE PERTAINING TO NATIONALLY ACCEPTED CLASSIFICATIONS OF ACCOUNTING STANDARDS?

Proposition O

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VIII, MUNICIPAL FINANCE, SECTION 8.17, DISBURSEMENT OF FUNDS, BY ADDING THAT THE ASSISTANT CITY MANAGER CAN COUNTERSIGN ALL CHECKS, VOUCHERS OR WARRANTS FOR THE WITHDRAWAL OF MONEY FROM THE CITY DEPOSITORY?

Proposition P

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE X, MUNICIPAL PLANNING, SECTION 10.01, PLANNING AND ZONING COMMISSION, BY REMOVING THE POWER AND DUTY OF THE PLANNING AND ZONING COMMISSION OF THE RECOMMENDATION OF APPROVAL OR DISAPPROVAL OF PLATS TO COUNCIL AS COUNCIL HAS DELEGATED APPROVAL AUTHORITY TO THE PLANNING AND ZONING COMMISSION, TO RECOMMEND CODE ADOPTION OR REVISION AS THAT RESPONSIBILITY IS WITH THE CITY BUILDING OFFICIAL, TO RECOMMEND THE CAPITAL IMPROVEMENT PLAN AS THAT RESPONSIBILITY IS WITH THE CITY STAFF, BY REMOVING THE REQUIREMENT TO PUBLISH A CHANGE OF MEETING PLACE IN A NEWSPAPER IN GENERAL CIRCULATION IN THE CITY?

Proposition Q

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY REPLACING PRONOUN SPECIFIC LANGUAGE WITH OFFICE AND TITLE SPECIFIC LANGUAGE?

Section 7. The Official Canvass of the returns of said election reflect the following:

Proposition A	For: 204	Against: 21
Proposition B	For: 107	Against: 122
Proposition C	For: 190	Against: 38
Proposition D	For: 196	Against: 29
Proposition E	For: 206	Against: 18
Proposition F	For: 165	Against: 51
Proposition G	For: 193	Against: 27
Proposition H	For: 142	Against: 77
Proposition I	For: 171	Against: 50
Proposition J	For: 175	Against: 45

Proposition K	For: 170	Against: 47
Proposition L	For: 199	Against: 23
Proposition M	For: 192	Against: 28
Proposition N	For: 193	Against: 26
Proposition O	For: 179	Against: 43
Proposition P	For: 136	Against: 29
Proposition Q	For: 153	Against: 74

Section 8. That the official canvass of the returns of said election reflect the following:

Majority **FOR** Proposition A

Majority **AGAINST** Proposition B

Majority **FOR** Proposition C

Majority **FOR** Proposition D

Majority **FOR** Proposition E

Majority **FOR** Proposition F

Majority **FOR** Proposition G

Majority **FOR** Proposition H

Majority **FOR** Proposition I

Majority **FOR** Proposition J

Majority **FOR** Proposition K

Majority **FOR** Proposition L

Majority **FOR** Proposition M

Majority **FOR** Proposition N

Majority **FOR** Proposition O

Majority **FOR** Proposition P

Majority **FOR** Proposition Q

Section 9. It is hereby found and determine determined that the NOTICE OF MEETING relating to the regular meeting of the City Council at which this Resolution was considered and

the posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and ADOPTED this 13TH day of MAY 2024.

LORI KLEIN QUINN, Mayor

ATTEST:

TRACYLYNN GARCIA, City Secretary