

CITY OF TOMBALL
HARRIS COUNTY, TX

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS CALLING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2026, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS PROPOSITIONS TO AMEND THE CITY OF TOMBALL CHARTER REGARDING: (A) AMENDING SECTION 6.13 TO CHANGE QUORUM REQUIREMENTS; (B) AMENDING SECTIONS 7.10 AND 7.11 TO UPDATE WHICH DEPARTMENT HAS THE RESPONSIBILITY FOR ENGINEERING; (C) AMENDING SECTION 6.14 TO REDUCE THE NUMBER OF REQUIRED READINGS OF ORDINANCES TO ONE; (D) AMENDING SECTIONS 7.02, 7.05, 7.10, AND 7.11 TO REMOVE THE REQUIREMENT FOR COUNCIL APPROVAL OF CERTAIN CITY MANAGER APPOINTED POSITIONS; PROVIDING FOR BALLOTS; DESIGNATING THE TIME AND PLACE FOR HOLDING SUCH ELECTIONS; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council (the “Council”) of the City of Tomball, Texas (the “City”) desires to order a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, Section 3.005 of the Texas Election Code requires that special elections be ordered not later than the 78th day before the date of the election; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The findings contained in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted as part of the Ordinance.

Section 2. In accordance with the general laws and the Constitution of the State of Texas, a Special Municipal Election is hereby called and ordered for Saturday, May 2, 2026, the same being the first Saturday in May, at which the election of the following propositions for proposed amendments to the City Charter of the City of Tomball shall be submitted to the qualified voters of the City for their action thereon. The proposed amendments to the Charter are set forth below, a separate number begin assigned to each subject on which an amendment is proposed for convenience in reference. In the election, the registered voters of the City shall decide by voting “Yes” or “No” whether they are in favor of the following propositions:

Proposition A

Amending Sections 6.13 of the City of Tomball Charter providing for a change to quorum requirements:.

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VI, COUNCIL, SECTION 6.13, RULES OF PROCEDURE, BY CHANGING A QUORUM BEING DEFINED AS FOUR (4) COUNCIL MEMBERS, ONE OF WHOM MAY BE THE MAYOR, TO THREE (3) COUNCILMEMBERS?

[] YES

[] NO

In the event of approval of this proposition, Section 6.13 of the City of Tomball Charter shall be amended to read as follows, with additions being underlined and deletions struck through:

“SECTION 6.13 – RULES OF PROCEDURE

The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration. The Council shall provide for the taking and recording of minutes of all meetings, and such minutes shall be a public record. Voting, except on procedural motions, shall be by roll call and the ayes, nays and abstentions shall be recorded in the minutes. A Councilmember shall state the reason for an abstaining vote. ~~Four (4) members of the Council, one of whom may be the Mayor,~~ Three (3) Councilmembers shall constitute a quorum for the purpose of transaction of business. No action of the Council shall be valid or binding unless adopted by the affirmative vote of three or more members of the Council.

The Mayor shall have a binding vote only in case of tie votes from Councilmembers.

The minutes shall reflect the names of all members of Council in attendance at both regular and special Council meetings, with status of absence being addressed as "Excused" or "Unexcused" by the presiding officer. Council, by resolution, shall define the guidelines for determination of absences "Excused" and "Unexcused."

Proposition B

Amending Section 7.10 and 7.11 of the City Charter providing for the function of engineering to be the responsibility of the Public Works department.

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VII, ADMINISTRATIVE SERVICES, SECTIONS

7.10, DEPARTMENT OF PUBLIC WORKS AND 7.11, DEPARTMENT OF COMMUNITY DEVELOPMENT BY REMOVING THE RESPONSIBILITY OF ENGINEERING FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND ADDING IT TO THE DEPARTMENT OF PUBLIC WORKS?

☐ YES

☐ NO

In the event of approval of this proposition, Sections 7.10 and 7.11 of the City of Tomball Charter shall be amended to read as follows, with additions being underlined and deletions struck through:

“SECTION 7.10 – DEPARTMENT OF PUBLIC WORKS

The City shall establish a Department of Public Works. The City Manager, with the approval of the Council, shall appoint a Director of Public Works who shall be the administrator of this department. The Department of Public Works shall perform such duties as engineering, maintenance of gas, water, and sewage facilities; maintenance of streets, collection of garbage; and such other duties as may be assigned by the City Manager.

SECTION 7.11 – DEPARTMENT OF COMMUNITY DEVELOPMENT

There shall be a Director of Community Development for the City. The City Manager, with the approval of the Council, shall appoint a Director of Community Development and such assistants as the Council shall deem advisable. The Director of Community Development shall oversee the city's development processes, including planning and zoning, ~~engineering~~, code enforcement, and inspections, and shall perform such other duties assigned by the City Manager and those elsewhere provided in this Charter and the laws of the State of Texas.”

Proposition C

Amending Section 6.14 of the City Charter providing for a change to the procedures for the adoption of ordinance including the reduction from two readings to one and the need to only publish the caption and penalties within 14 days of adoption .

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VI, COUNCIL, SECTION 6.14, ORDINANCES, BY REDUCING THE AMOUNT OF REQUIRED READINGS TO ONE INSTEAD OF TWO AND REQUIRING PUBLISHING OF THE ORDINANCE WITHIN FOURTEEN DAYS OF FINAL ADOPTION?

☐ YES

☐ NO

In the event of approval of this proposition, Section 6.14 of the City of Tomball Charter shall be amended to read as follows, with additions being underlined and deletions struck through:

“SECTION 6.14 – ORDINANCES

In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance. The enacting clause of all ordinances shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL:"

A. Procedure for Passage of Ordinances. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than fourteen (14) days from the date of its passage. The City Secretary shall give notice of every ordinance under consideration, by causing the caption or summary, including the penalty, fine, or forfeiture for a violation of any such ordinance to be published in the official newspaper for the City ~~after the first reading and at least once~~ within fourteen (14) days after the passage of said ordinance. The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, revision and modification of the ordinances of the City for publication. It shall be necessary to the validity of any ordinance that it shall be read ~~two (2)~~ one (1) times and considered at ~~two (2)~~ one (1) sessions of the Council unless addressed otherwise by this Charter. Copies of said ordinances shall be made available at the City Hall upon request. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of Council meetings. The Council shall have power to cause the ordinances of the City to be corrected, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. However, if the ordinance is amended, it then must be published one time, by caption only, in the official City newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

B. Emergency Ordinances. To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except to fund emergency appropriations in accordance with Article 8.15 of this Charter. An emergency ordinance shall be introduced in the form and manner

generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency, with a description in clear and specific terms and with one reading sufficing for its passage. Such emergency clause shall require the affirmative vote of three members elected to Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance shall become effective immediately and shall be published in the official newspaper for the City of Tomball once within 14 days after the passage of such ordinance. After adoption, the ordinance shall be numbered as required for other adopted ordinances, with the designation of "E" following the number. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent reenactment of the ordinance."

Proposition D

Amending Sections 7.02, 7.05, 7.10, and 7.11 to remove the requirement of City Council approval of the City Manager appointed positions of Assistant City Manager, Finance Director, Director of Public Works, and Director of Community Development.

SHALL THE CITY OF TOMBALL CHARTER BE AMENDED BY AMENDING ARTICLE VII, ADMINISTRATIVE SERVICES, SECTIONS 7.02, ASSISTANT CITY MANAGER, 7.05, FINANCE DIRECTOR, 7.10, DEPARTMENT OF PUBLIC WORKS, AND 7.11, DEPARTMENT OF COMMUNITY DEVELOPMENT, TO REMOVE THE REQUIREMENT THAT CITY COUNCIL APPROVE THE CITY MANAGERS APPOINTMENTS OF THE ASSISTANT CITY MANAGER, THE FINANCE DIRECTOR, THE DIRECTOR OF PUBLIC WORKS, AND THE DIRECTOR OF COMMUNITY DEVELOPMENT?

☐ YES

☐ NO

In the event of approval of this proposition, Sections 7.02, 7.05, 7.10, and 7.11 of the City of Tomball Charter shall be amended to read as follows, with additions being underlined and deletions struck through:

"SECTION 7.02 – ASSISTANT CIT MANAGER

The City Manager, ~~with the approval of the Council,~~ may appoint an Assistant City Manager. Such Assistant City Manager shall have all of the powers and duties as delineated by the Assistant City Manager's job description, and in the event of the absence or disability of the City Manager, the Assistant City Manager shall fill all the duties of the City Manager.

SECTION 7.05 – FINANCE DIRECTOR

There shall be a Finance Director for the City. The City Manager, ~~with the approval of the Council,~~ shall appoint a Finance Director and such assistants as the Council shall deem advisable. The Finance Director shall perform the duties delegated to the Finance Director by the City Manager and those which may be imposed upon the Finance Director by the laws of the State of Texas.

SECTION 7.10 – DEPARTMENT OF PUBLIC WORKS

The City shall establish a Department of Public Works. The City Manager, ~~with the approval of the Council,~~ shall appoint a Director of Public Works who shall be the administrator of this department. The Department of Public Works shall perform such duties as maintenance of gas, water, and sewage facilities; maintenance of streets, collection of garbage; and such other duties as may be assigned by the City Manager.

SECTION 7.11 – DEPARTMENT OF COMMUNITY DEVELOPMENT

There shall be a Director of Community Development for the City. The City Manager, ~~with the approval of the Council,~~ shall appoint a Director of Community Development and such assistants as the Council shall deem advisable. The Director of Community Development shall oversee the city's development processes, including planning and zoning, engineering, code enforcement, and inspections, and shall perform such other duties assigned by the City Manager and those elsewhere provided in this Charter and the laws of the State of Texas.”

Section 3. The present boundaries of the City constituting one (1) election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following person are hereby appointed officers to conduct the election at said polling place:

Polling Place
Tomball City Hall
401 Market Street
Tomball, Texas 77375

Election Officers
Patsy Kinsey, Presiding Judge
Latrell Shannon ,Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by the Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than seven (7) clerks to assist in the holding of said election, but in no event shall the President Judge appoint fewer than two (2) clerks.

The Election Judge shall be paid at the rate of eighteen dollars (\$18.00) per hour; and the election clerks shall be paid at the rate of seventeen dollars (\$17.00) per hour as provided by Title 3, Section

32.091(a) of the Texas Election Code. The Election Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code, if such delivery is necessary. The City will pay for any required training of the City's election judges and clerks. Judges and clerks will also be reimbursed for travel and will be paid at the set hourly rates for training time.

Section 4. The City Secretary is hereby appointed the Elections Clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 *et seq.* of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall
City of Tomball, Texas
401 Market Street
Tomball, Texas 77375

In order to meet the requirements of Section 85.005 of the Election Code, on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the twelfth (12th) day and continuing through the fourth (4th) day preceding the date of such election, said clerks shall keep City Hall open Monday through Friday from seven forty-five o'clock (7:45) a.m. until five o'clock (5:00) p.m., with the exception of Tuesday, April 30, 2024, when City Hall will be open for twelve (12) hours, from seven forty-five o'clock (7:45) a.m. until seven forty-five o'clock (7:45) p.m.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5. All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting and for voting on Election Day. In accordance with Section 61.012 of the Texas Election Code, the City will provide in every polling place at least one voting station that is accessible to a voter with disabilities. The ExpressVote Ballot Marking Device will be provided for those voters. All expenditures necessary for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

Section 6. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct said election.

Section 7. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 8. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____ DAY OF _____ 2026.

COUNCILMAN FORD _____

COUNCILMAN GARCIA _____

COUNCILMAN DUNAGIN _____

COUNCILMAN COVINGTON _____

COUNCILMAN PARR _____

SECOND READING:

READ, PASSED AND ORDAINED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE ____ DAY OF _____ 2026.

COUNCILMAN FORD _____

COUNCILMAN GARCIA _____

COUNCILMAN DUNAGIN _____

COUNCILMAN COVINGTON _____

COUNCILMAN PARR _____