



City of Hutto

Agenda

Charter Review Commission

Tuesday, November 14, 2023 at 5:30 PM

Executive Conference Room

Hutto City Hall

500 W. Live Oak Street

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

3. OTHER BUSINESS

- 3.1. Consideration and possible action on Hutto City Charter Article 3 – The City Council, Sections 3.01 – 3.16
- 3.2. Consideration and possible action on Hutto City Charter Article 4 - Administrative Service, Sections 4.01 – Section 4.05
- 3.3. Consideration and possible action on Hutto City Charter Article 5 – Nominations and Elections, Sections 5.01 – Section 5.06
- 3.4. Consideration and possible action on Hutto City Charter Article 6- Recall of Officers, Sections 6.01 – 6.12
- 3.5. Consideration and possible action on approving the Charter Review Commission Minutes from October 24, 2023

4. ADJOURNMENT

5. CERTIFICATION

I certify that this notice of the November 14, 2023 Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on November 9, 2023 before 5:00 P.M.




Angela Lewis

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at Angela.Lewis@huttotx.gov or call (512) 759-4839 for assistance.

Hutto City Charter Article 6, Recall of Officers, sets forth the procedures for recall.

The procedures are as follows:

1. Who can be subject to recall? § 6.01.

Any elected or appointed Mayor or Council Member can be recalled and removed from office by the qualified voters of the City.

2. Who can file the petition? § 6.03

To initiate the recall petition process, any qualified voters of the City may make and file with the person performing the duties of City Secretary an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal.

As described below, after filing such an affidavit, persons may then be issued petition blanks made available by the City Secretary. Petition blanks may be circulated for signatures in accordance with the petition and signature requirements. Because signatures dated more than forty-five (45) days prior to the petition filing are not considered effective and are not counted, persons filing a petition effectively have forty-five (45) days in which to obtain the required number of signatures and to file the petition with the City Secretary for certification to Council.

3. Who should the petition be filed with? § 6.02.

A petition demanding recall of the elected or appointed official(s) must be filed with the City Secretary.

4. What are the requirements of the petition? § 6.02.

The petition shall be signed by qualified voters (i.e., registered voters) of the City equal in number to at least twenty percent (20%) of the number of qualified voters as currently certified to by the County Elections Administrator. . To find out the number of qualified voters, go to: www.wilco.org/Departments/Elections/Voter-Registration/Request-Voter-List

The petition shall contain a general statement of the grounds for removal.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

- a) the signer's residence address, including the county;
- b) the signer's date of birth or the signer's voter registration number;
- c) the date of signing; and
- d) the signer's printed name.

The petition shall have an affidavit executed by the circulator attached to each page of the petition stating that he or she personally circulated the paper, the number of signatures thereon, that all the

signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that the purpose of the petition was explained to each signer.

5. What are the City Secretary's duties after receiving an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal? § 6.03

The City Secretary shall immediately notify in writing the officer(s) sought to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds. In addition, Section 6.05 requires that the City Secretary shall immediately notify, in writing by registered mail, the officer so sought to be removed, by mailing such notice to such officer's address.

The City Secretary shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal.

The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution.

Such blanks when issued by the City Secretary shall bear the signature of the City Secretary on the form as prescribed in Section 6.04, and shall be numbered, dated, and indicate the name of the person the form was issued. Because each petition blank must be returned with an executed affidavit of the circulator attached to each page that he or she personally circulated the paper, as discussed above, each circulator must obtain their own copies of petition blanks from the City Secretary directly.

The City Secretary shall enter in a record to be kept in his or her office the name of the qualified voters to whom the petition blanks were issued and the number to the person the form was issued.

6. What is the form of the recall petition? § 6.04.

The recall petition must be addressed to the City Council of the City of Hutto, must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and, if there be more than one ground, such as for violation of the ethics ordinance, noncompliance with this Charter, misconduct or indictment for crimes of moral turpitude in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged.

Each petition shall be in the form and validated in the manner prescribed by state law¹ for a petition to initiate a charter amendment.

¹ <https://www.sos.texas.gov/elections/laws/petitions.shtml>. Secretary of State, Elections Division guidance on validating signatures.

7. What must the petition consist of? § 6.05.

The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto.

Verifications provided for in Section 7.03c), Affidavit of Circulator, may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such original petition or petitions with the person performing the duties of City Secretary on the same day.

8. How is the petition certified? § 6.05

Certification procedures as described in Section 7.04, Determination of Sufficiency, shall be followed in certification of the recall petition.

Within fifteen (15) working days after the petition is filed, the City Secretary shall complete a certificate as to the petition's sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to each member of the petitioners' committee by registered mail.

9. What happens after the petition is certified? § 6.06.

The City Secretary shall present the certified petition to the City Council at the next regular City Council meeting.

10. Can the officer whose removal is sought request a public hearing? § 6.07

Yes. The officer whose removal has been sought may request that a public hearing be held to permit such officer to present facts pertinent to the charges specified in the recall petition.

The City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

11. What happens if the officer whose removal is sought does not resign? § 6.08

If the officer whose removal is sought does not resign, the City Council must order an election and fix a date for holding such recall election, the date of which election shall be in accordance with applicable state law.

12. What are the requirements for the ballot in a recall election? § 6.09

Ballots used at recall elections shall conform to the following requirements:

- a) With respect to each person whose removal is sought, the question shall be submitted:
“Shall (Name of Person) be removed from the office of (Name of Office) by recall?”
- b) Immediately below each such question there shall be printed the two following propositions, one above the other, in order indicated:

“FOR”

“AGAINST”

13. What happens if the result of the recall is for or against the person whose removal is sought? § 6.10

If a majority of the votes cast at a recall election are against the recall of the person named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before.

If a majority of the votes cast at such an election are for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

14. What offices can the removed officer serve in the City after recall? § 6.10

In no instance shall an officer removed from office by recall election succeed himself or herself, or be appointed to board or commission of the City, nor shall such officer's name appear on a ballot for elective office of the City within a period of five (5) years following the date of the election at which such officer was removed from office.

15. What are the restrictions in filing a recall petition? § 6.11

No recall petition shall be filed against any officer of the City within one-hundred eighty days (180) days after such officer's election or appointment, nor within one-hundred eighty (180) days after an election for such officer's recall.

16. What happens if the City Council fails to call the recall election? § 6.12

If all of the requirements of the Charter shall have been met and the City Council failed or refused to receive the recall petition, or to order such recall election, or to discharge any other duties imposed upon said City Council by the Charter with reference to such recall, then the County Judge of Williamson County, Texas, or other judge of competent jurisdiction shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.



City of Hutto

Minutes

Charter Review Commission

Tuesday, October 24, 2023 at 5:30 PM

Executive Conference Room

Hutto City Hall

500 W. Live Oak Street

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1. CALL SESSION TO ORDER and ANNOUNCE A QUORUM PRESENT

Chair Onnesha Williams called roll and established a quorum present at 5:38 pm.

Cory Denena
Onnesha Williams
Rick Hudson
Beatriz Bocanegra
Charles Warner (arrived at 5:46 pm)
Perry Savard
Tony Wertz

2. CITIZENS COMMENTS

3. REGULAR AGENDA

- 3.1. Consideration and possible action on approval of October 10, 2023 Charter Review Commission meeting minutes

Motion by Perry Savard, seconded by Rick Hudson accepting the approving the minutes. Vote passed 6,0.

- 3.2. Consideration and possible action on Council Proposed Charter Amendment Recommendations

Motion by Tony Wertz, seconded by Perry Savard to ask legal counsel to develop redistricting language. Vote passed 6,1 (Hudson dissenting).

Motion by Cory Denena, seconded by Rick Hudson to leave Section 3.04 as amended in the redlined version. Vote passed 7,0.

Motion by Perry Savard, seconded by Tony Wertz accepting the redlined recommendations. Vote passed 4,3 (Williams, Bocanegra and Hudson dissenting).

Motion by Cory Denena, seconded by Tony Wertz to allow legal counsel to develop language for Section 3.13 to amended based on discussed recommendations. Vote passed 7,0.

Motion by Perry Savard, seconded by Rick Hudson to accept the redline version of 5.02 pursuant to state law. Vote passed 7,0.

Motion by Tony Wertz, seconded by Cory Denena to table Item 13.03 at this time. Vote passed 7,0.

Motion by Onnesha Williams, seconded by Charles Warner to table Item 8.07 at this time. Vote passed 7,0.

3.3. Consideration and possible action on Hutto City Charter Article I, Form of Government and Boundaries, Sections 1.01 – 1.03

3.4. Consideration and possible action on Hutto City Charter Article 2, Powers of the City, Sections 2.01 – 2.06

Motion by Perry Savard, seconded by Tony Wertz to accept Articles 1 and 2 as presented and to table 3. Vote passed 7,0.

3.5. Consideration and possible action on Hutto City Charter Article 3, The City Council, Sections 3.01 – 3.16

Motion by Perry Savard, seconded by Beatriz Bocanegra to table Article 3 until next meeting. Vote passed 7,0.

4. ADJOURNMENT – 8:31 pm