

RESOLUTION NO. R-2024-097

RESOLUTION CANVASSING RETURNS ORDERING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION TO CONSIDER SIXTEEN CHARTER AMENDMENTS TO THE HUTTO CITY CHARTER PROVIDING FOR VOTING TOTALS AND RESULTS OF THE CITY OF HUTTO'S SPECIAL ELECTION OF MAY 4, 2024; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Ordinance No.O-2024-012, passed and approved and adopted by the City Council of the City of Hutto ordered a special election to be held May 4, 2024 for the purpose of submitting to voters sixteen (16) proposed amendments to the Home Rule Charter of the City of Hutto, Texas; and

WHEREAS, the City Council has investigated all matters pertaining to the election, including the ordering, giving notice, officers, holding, and making returns of the election; and

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

WHEREAS, a quorum of the City Council met on Wednesday, May 15, 2024 in public meeting duly called and conducted in accordance with the Texas Open Meetings Act and duly canvassed the election returns of the Special Election of the sixteen (16) Charter Amendments to the Hutto Home Rule Charter.

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

Section 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2: That the City Council officially finds and determines that the election was duly ordered, the proper notice of the election was duly given, that proper election officers were duly appointed prior to the election, that the election was duly held in the manner required by law, that due returns of the result of the election have been made and delivered, and that the City Council has duly canvassed the returns, all in accordance with the law and the ordinances and resolutions calling and conducting the election.

Section 3: The official Canvass of the Returns of the Special Election on Charter Amendments held May 4, 2024 reflects the following Propositions received the number of FOR votes and AGAINST votes respective to that proposition:

PROPOSITION A

Shall SECTION 3.04 COMPENSATION of the Hutto City Charter be amended to replace the word “compensation” with salary and add that the salary is subject to the limitation imposed by state law and Texas Constitution?

	<u>TOTAL</u>	<u>VOTE%</u>
For	741	81.16%
Against	172	18.84%
Total Votes Cast	913	100.0%

PROPOSITION B

Shall SECTION 3.05 MAYOR AND MAYOR PRO-TEM of the Hutto City Charter be amended to add a provision that Mayor Pro-tem is elected by the newly elected City Council at first meeting after conclusion of regular or run-off elections?

	<u>TOTAL</u>	<u>VOTE%</u>
For	647	71.10%
Against	263	28.90%
Total Votes Cast	910	100.00%

PROPOSITION C

Shall SECTION 3.06 B) FORFEITURE OF OFFICE of the Hutto City Charter be amended to provide that the Mayor and any City Council Member be removed from office for failing to maintain the qualification for office in the Texas Constitution, and for a conviction of a crime involving moral turpitude; or convicted of an offense as prohibited by Texas Penal Code, Chapter 36, Bribery and Corrupt Influences, as may be amended, for a conviction of the offense of Section 36.02 Bribery; Section 36.03 Coercion of Public Servant or Voter; Section 36.04 Improper Influence; Section 36.05 Tampering with Witness; Section 36.06 Obstruction or Retaliation; Section 36.07 Acceptance of Honorarium; Section 36.08 Gift to Public Servant by Person Subject to His Jurisdiction; or Section 36.09 Offering Gift to Public Servant?

	<u>TOTAL</u>	<u>VOTE%</u>
For	837	90.29%
Against	90	9.71%
Total Votes Cast	927	100.00%

PROPOSITION D

Shall SECTION 3.10 QUORUM of the Hutto City Charter be amended to reduce the number of City Council members necessary to establish a quorum from five (5) to four (4)?

	<u>TOTAL</u>	<u>VOTE%</u>
For	308	33.48%
Against	612	66.52%
Total Votes Cast	920	100.00%

PROPOSITION E

Shall SECTION 3.12 VOTING of the Hutto City Charter be amended to provide that members of the City Council in attendance shall vote upon every resolution or ordinance except where there is a Conflict of Interest pursuant to Chapter 171 of the Texas Local Government Code or except when the Member of the City Council abstains from voting in order to avoid the appearance of impropriety as defined in the Hutto Ethics Code or City Council Protocols?

	<u>TOTAL</u>	<u>VOTE%</u>
For	761	83.53%
Against	150	16.47%
Total Votes Cast	911	100.00%

PROPOSITION F

Shall SECTION 3.13 ORDINANCES IN GENERAL of the Hutto City Charter be amended to remove second reading requirement so that ordinances may be enacted by one reading, as allowed by state law and that the Caption of the Ordinance shall be published in the Official Newspaper as required by state law?

	<u>TOTAL</u>	<u>VOTE%</u>
For	473	52.15%
Against	434	47.85%
Total Votes Cast	907	100.00%

PROPOSITION G

Shall Section 5.01 c) Voter Eligibility or Voter Registration List of the Hutto City Charter be amended to delete the requirement that the City Secretary maintain a certified list of voters registered within the City as prepared by the County Elections Administrator because the County Elections Administrator maintains the certified list of voters registered within the City?

	<u>TOTAL</u>	<u>VOTE%</u>
For	553	61.24%
Against	350	38.76%
Total Votes Cast	903	100.00%

PROPOSITION H

Shall SECTION 5.02 FILING FOR OFFICE of the Hutto City Charter be amended to remove the requirement that city employee must resign to file for office because the requirement conflicts with state law and to provide that a petition signed by twenty-five (25) qualified voters residing in the City for a candidate's application is required for a candidate to be placed on the ballot and delete the requirement that a candidate's application to be placed on the ballot have a Petition signed by one-half of one percent of the total votes received by all candidates for mayor in the most recent mayoral regular election?

	<u>TOTAL</u>	<u>VOTE%</u>
For	588	65.62%
Against	308	34.38%
Total Votes Cast	896	100.00%

PROPOSITION I

Shall SECTION 6.02 PETITION FOR RECALL of the Hutto City Charter be amended to provide that a Petition for Recall be signed by qualified voters of the City equal in number to at least ten percent (10%) of the number of qualified voters as currently certified to by the County Elections Administrator at the last municipal election; that the City Secretary certify the Petition for Recall demanding such questions for Recall within two (2) working days; that the signer’s signature be added to the Petition for Recall as required by Chapter 277 of the Texas Election Code; that the Petition be circulated by a qualified voter?

	<u>TOTAL</u>	<u>VOTE%</u>
For	644	73.85%
Against	228	26.15%
Total Votes Cast	872	100.00%

PROPOSITION J

Shall SECTION 6.05 VARIOUS PAPERS CONSTITUTING RECALL PETITION be amended to provide that signatures to such Petition for Recall shall remain effective or be counted which were placed on the Petition for Recall within seventy-five (75) days after the certification of Petition for Recall by the person performing the duties of City Secretary; that the City Secretary shall verify the Petition for Recall within ten business (10) days as required in Chapter 277 of the Texas Election Code?

	<u>TOTAL</u>	<u>VOTE%</u>
For	694	80.51%
Against	168	19.49%
Total Votes Cast	862	100.00%

PROPOSITION K

Shall ARTICLE 7 INITIATIVE AND REFERENDUM of the Hutto City Charter be amended to decrease the number required to sign a petition for initiative or referendum from 20 percent to 10 percent and that petitions for initiative or referendum conform to Chapter 277 of the Texas Election Code?

	<u>TOTAL</u>	<u>VOTE%</u>
For	525	59.73%
Against	354	40.27%
Total Votes Cast	879	100.00%

PROPOSITION L

Shall SECTION 8.07 AMENDMENTS AFTER ADOPTION of the Hutto City Charter be amended to allow for additional restrictions by ordinance relating to city manager authority to transfer funds for purposes of employee separation pay?

	<u>TOTAL</u>	<u>VOTE%</u>
For	680	77.18%
Against	201	22.82%
Total Votes Cast	881	100.00%

PROPOSITION M

Shall SECTION 8.11 DEPOSITORY of the Hutto City Charter be amended to delete the requirement for original ink signatures for checks in excess of \$5,000 to allow for electronic transmission of checks in excess of \$5,000?

	<u>TOTAL</u>	<u>VOTE%</u>
For	524	58.55%
Against	371	41.45%
Total Votes Cast	895	100.00%

PROPOSITION N

Shall SECTION 12.04 PLANNING AND ZONING COMMISSION of the Hutto City Charter be amended to add a requirement to establish a quorum as 4 to convene a meeting of the Planning and Zoning Commission?

	<u>TOTAL</u>	<u>VOTE%</u>
For	679	76.72%
Against	206	23.28%
Total Votes Cast	885	100.00%

PROPOSITION O

Shall SECTION 13.03 ETHICS of the Hutto City Charter be amended to use defined term, “substantial interest” as defined in state law; to add procedures for the Ethics Ordinance; to amend the nepotism requirements as required by state law and to add a provision that the Board of Ethics shall review the Ethics Ordinance annually?

	<u>TOTAL</u>	<u>VOTE%</u>
For	735	83.43%
Against	146	16.57%
Total Votes Cast	881	100.00%

PROPOSITION P

Shall SECTION 13.09 PROHIBITIONS of the Hutto City Charter be amended to replace the word, “City position”, with City Employment and add to the activities prohibited in Section 13.09 a) creed, color, disability, age, national origin, familial status, sexual orientation, transgender, gender identity or gender expression and to amend Section 13.09 b) to remove the words, “who either individually or with others willfully “ and add as to a violation of Section 13.09 a) as evidenced in a final Court Judgment or final Criminal Conviction is ineligible for appointment or election to a position in the City for four (4) years and replace the word “officer” with City Elected Official and remove the words, “employee of the City” and replace the words, “forfeiting the office or position” with Elected City Official’s office for the immediate forfeiture of office?

	<u>TOTAL</u>	<u>VOTE%</u>
For	598	68.19%
Against	279	31.81%
Total Votes Cast	877	100.00%

Section 4: That pursuant to the applicable provisions of the Texas Local Government Code, the Texas Election Code and the Hutto Home Rule Charter, the City Council officially finds, determines and declares the result of the election to be that Propositions, A, B, C, E, F, G, H, I, J, K, L, M, N, O, and P have been approved by the majority of the qualified voters of the City of Hutto, Texas who voted in the Charter Amendment Special Election and that said amendments are adopted by operation of law as required by Texas Local Government Code Section 9.005(a).

Section 5: That pursuant to the applicable provisions of the Texas Local Government Code, the Texas Election Code and the Hutto Home Rule Charter, the City Council officially finds, determines and declares the result of the election to be that Proposition D has not been approved by the majority of the qualified voters of the City of Hutto, Texas who voted in the Charter Amendment Special Election.

Section 6: That this Order declares the Charter Amendments adopted shall take effect upon the passage of this resolution, as provided by Texas Local Government Code Section 9.005(a) and the Home Rule Charter of the City of Hutto, Texas, as amended, Attachment “A”, is incorporated, herein, for all purposes.

Section 7: It is further ordered that Mayor shall certify to the Texas Secretary of State an authenticated copy of the Hutto Home Rule Charter, with Charter Amendments under the City of Hutto seal showing approval by the voters of the City of Hutto, Texas, who shall then file and record the certification as required by the Texas Local Government Code Section 9.007.

Section 8: That the Interim City Secretary shall record in the City Secretary’s office the Charter Amendments adopted by the voters of the City of Hutto, Texas.

Section 9: That the provisions of this Resolution are severable, and in case any one or more of the provisions hereof or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance then the remainder of this Resolution nevertheless shall be valid and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 10: The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 11. This Resolution shall take effect immediately upon its passage.

RESOLVED this 15th day of May, 2024.

PASSED, APPROVED, AND ADOPTED by the **CITY COUNCIL** of the **CITY OF HUTTO, TEXAS**, on the 15th day of May, 2024, on vote of 5 **AYES**; 0 **NAYS**; and 0 **ABSTENTIONS**.

CITY OF HUTTO, TEXAS



Mike Snyder, Mayor

ATTEST:



Amanda Taylor, Interim City Secretary



City of Hutto, Council, Place 2

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
Cory Denena	442	48.25%	23	229	190
Dan Thornton	474	51.75%	27	294	153
Total Votes Cast	916	100.00%	50	523	343
Overvotes	0		0	0	0
Undervotes	46		1	26	19
Contest Totals	962		51	549	362

City of Hutto, Council, Place 5

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
Nicole Calderone	142	15.33%	13	73	56
Evan Porterfield	174	18.79%	4	106	64
Marcus Coleman	153	16.52%	10	87	56
Dana Wilcott	305	32.94%	15	188	102
Brandon DeLeon	152	16.41%	7	81	64
Total Votes Cast	926	100.00%	49	535	342
Overvotes	0		0	0	0
Undervotes	36		2	14	20
Contest Totals	962		51	549	362

City of Hutto, Proposition A

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	741	81.16%	44	412	285
Against	172	18.84%	4	114	54
Total Votes Cast	913	100.00%	48	526	339
Overvotes	0		0	0	0
Undervotes	49		3	23	23
Contest Totals	962		51	549	362

City of Hutto, Proposition B

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	647	71.10%	38	364	245
Against	263	28.90%	10	158	95
Total Votes Cast	910	100.00%	48	522	340
Overvotes	0		0	0	0
Undervotes	52		3	27	22
Contest Totals	962		51	549	362

City of Hutto, Proposition C

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	837	90.29%	45	464	328
Against	90	9.71%	1	66	23
Total Votes Cast	927	100.00%	46	530	351
Overvotes	0		0	0	0
Undervotes	35		5	19	11
Contest Totals	962		51	549	362

City of Hutto, Proposition D

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	308	33.48%	16	185	107
Against	612	66.52%	32	346	234
Total Votes Cast	920	100.00%	48	531	341
Overvotes	0		0	0	0
Undervotes	42		3	18	21
Contest Totals	962		51	549	362

City of Hutto, Proposition E

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	761	83.53%	45	439	277
Against	150	16.47%	3	81	66
Total Votes Cast	911	100.00%	48	520	343
Overvotes	0		0	0	0
Undervotes	51		3	29	19
Contest Totals	962		51	549	362

City of Hutto, Proposition F

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	473	52.15%	35	277	161
Against	434	47.85%	14	241	179
Total Votes Cast	907	100.00%	49	518	340
Overvotes	0		0	0	0
Undervotes	55		2	31	22
Contest Totals	962		51	549	362

City of Hutto, Proposition G

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	553	61.24%	33	322	198
Against	350	38.76%	16	196	138
Total Votes Cast	903	100.00%	49	518	336
Overvotes	0		0	0	0
Undervotes	59		2	31	26
Contest Totals	962		51	549	362

City of Hutto, Proposition H

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	588	65.62%	31	340	217
Against	308	34.38%	16	175	117
Total Votes Cast	896	100.00%	47	515	334
Overvotes	0		0	0	0
Undervotes	66		4	34	28
Contest Totals	962		51	549	362

City of Hutto, Proposition I

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	644	73.85%	40	359	245
Against	228	26.15%	7	144	77
Total Votes Cast	872	100.00%	47	503	322
Overvotes	0		0	0	0
Undervotes	90		4	46	40
Contest Totals	962		51	549	362

City of Hutto, Proposition J

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	694	80.51%	40	394	260
Against	168	19.49%	5	103	60
Total Votes Cast	862	100.00%	45	497	320
Overvotes	0		0	0	0
Undervotes	100		6	52	42
Contest Totals	962		51	549	362

City of Hutto, Proposition K

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	525	59.73%	31	294	200
Against	354	40.27%	17	211	126
Total Votes Cast	879	100.00%	48	505	326
Overvotes	0		0	0	0
Undervotes	83		3	44	36
Contest Totals	962		51	549	362

City of Hutto, Proposition L

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	680	77.18%	37	378	265
Against	201	22.82%	9	130	62
Total Votes Cast	881	100.00%	46	508	327
Overvotes	0		0	0	0
Undervotes	81		5	41	35
Contest Totals	962		51	549	362

City of Hutto, Proposition M

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	524	58.55%	30	293	201
Against	371	41.45%	17	222	132
Total Votes Cast	895	100.00%	47	515	333
Overvotes	0		0	0	0
Undervotes	67		4	34	29
Contest Totals	962		51	549	362

City of Hutto, Proposition N

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	679	76.72%	40	393	246
Against	206	23.28%	8	119	79
Total Votes Cast	885	100.00%	48	512	325
Overvotes	0		0	0	0
Undervotes	77		3	37	37
Contest Totals	962		51	549	362

City of Hutto, Proposition O

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	735	83.43%	42	414	279
Against	146	16.57%	6	91	49
Total Votes Cast	881	100.00%	48	505	328
Overvotes	0		0	0	0
Undervotes	81		3	44	34
Contest Totals	962		51	549	362

City of Hutto, Proposition P

Vote For 1

	TOTAL	VOTE %	Early Voting Mail	Early Voting In Person	Election Day In Person
For	598	68.19%	35	336	227
Against	279	31.81%	12	166	101
Total Votes Cast	877	100.00%	47	502	328
Overvotes	0		0	0	0
Undervotes	85		4	47	34
Contest Totals	962		51	549	362