

City of Houston Ordinance No. 2023- 1013

AN ORDINANCE DECLARING THE ADOPTION OF HOUSTON CITY CHARTER AMENDMENTS SUBMITTED TO THE QUALIFIED VOTERS OF THE CITY AND APPROVED BY A MAJORITY THEREOF AT SPECIAL ELECTIONS HELD ON NOVEMBER 7, 2023, AND ORDERING THE HOUSTON CITY CHARTER AMENDED TO ENABLE THREE OR MORE COUNCIL MEMBERS TO PLACE AN ITEM ON A REGULAR CITY COUNCIL MEETING AGENDA, AND TO ALLOW THE CITY OF HOUSTON TO REMAIN IN A COUNCIL OF GOVERNMENTS OR METROPOLITAN PLANNING ORGANIZATION ONLY IF VOTES ON THE GOVERNING BOARD ARE APPORTIONED PROPORTIONATELY ON THE BASIS OF POPULATION; MAKING OTHER PROVISIONS AND FINDINGS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * *

WHEREAS, the City of Houston (the "City") held two special elections (collectively referred to as the "Election") on November 7, 2023, pursuant to City of Houston Ordinance No. 2021-696, passed August 11, 2021, City of Houston Ordinance No. 2023-624, passed August 2, 2023, and Ordinance No. 2023-647, passed August 21, 2023 (collectively, the "Election Ordinances"); and

WHEREAS, the Election was held on November 7, 2023, in the manner provided by law, for the purposes of:

1. Submitting to the qualified voters of the City of Houston, Texas, a proposition ("City of Houston, Proposition A") to amend the City Charter to enable three or more City Council Members to place an item on a regular City Council meeting agenda;
2. Submitting to the qualified voters of the City of Houston, Texas a proposition ("City of Houston, Proposition B") to amend the City Charter to allow the City of Houston to remain in a Council of Governments or Metropolitan Planning Organization only if votes on the governing board are apportioned proportionately on the basis of population; and

WHEREAS, City Council, pursuant to applicable provisions of the Election Code, tabulated the votes cast and canvassed the returns for each proposition in a City of Houston Ordinance passed November 20, 2023; and

WHEREAS, a majority of the qualified voters of the City of Houston who voted in the Election approved City of Houston, Proposition A and City of Houston, Proposition B; and

WHEREAS, City Council hereby desires to enter an order in the records of the City for the purpose of declaring that the charter amendments submitted as City of Houston, Proposition A and City of Houston, Proposition B are adopted; **NOW, THEREFORE**,

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

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

Section 2. That the proposed amendment to the Charter of the City of Houston submitted to the electorate at the Election pursuant to City of Houston Ordinance Nos. 2021-696 and 2023-624, provides as follows:

CITY OF HOUSTON, PROPOSITION A

The first paragraph of Article VII, Section 3 of the City Charter of the City of Houston shall be amended to read as follows:

“At eleven o'clock A.M. on the day the members of the City Council take office, they shall meet at the City Hall and thereafter all meetings of the Council shall be held in the City Hall at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week unless postponed for valid reasons, to be spread on the minutes. Special meetings shall be called by the City Secretary upon the written request of the Mayor or three Council Members. Three or more City Council Members may also request, in writing, that any lawful item(s), as specified in such request, be placed on the agenda of any designated, regular meeting of City Council, consistent with the notice requirements of the Texas Open Meetings Act. The Mayor shall ensure that such item(s) be placed on the agenda of the designated meeting, and shall continue to place the item(s) on the agenda of each subsequent regular meeting until the same shall be considered by City Council. Unless a request for an item(s) to be placed on the agenda of a City Council meeting specifies otherwise, it shall be treated as a request for the item(s) to be considered at a regular, as opposed to special meeting.”

Section 3. That by virtue of the ballots cast at the Election, the City Council, as the governing body of the City of Houston, finds and declares that City of Houston, Proposition A has been approved by a majority of qualified voters voting at the Election.

City Council declares City of Houston, Proposition A adopted pursuant to its ministerial duty to comply with Section 9.005 of the Texas Local Government Code. The Charter of the City of Houston is hereby amended by amending the first paragraph of Section 3 to Article VII to contain the amendment to the City Charter stated in Section 2 of this Ordinance.

Section 4. That the proposed amendment to the Charter of the City of Houston submitted to the electorate at the Election pursuant to City of Houston Ordinance No. 2023-647, provides as follows:

CITY OF HOUSTON, PROPOSITION B

That a new section 25 shall be added to Article IX of the City Charter of the City of Houston to read as follows:

“Section 25. - Membership in a Council of Government or Metropolitan Planning Organization.

- a. The City may accept or maintain membership in a Council of Government or Metropolitan Planning Organization only if votes on the governing board are apportioned proportionally on the basis of population notwithstanding statutory voting members. However, members representing local governments shall have at least 90% of total votes.
- b. In the event that a Council of Government or Metropolitan Planning Organization does not comply with section (a) the City shall withdraw its membership from the body if the voting system is not corrected within 60 days of the effective date of adoption of this section.”

Section 5. That by virtue of the ballots cast at the Election, the City Council, as the governing body of the City of Houston, finds and declares that City of Houston, Proposition B has been approved by a majority of qualified voters voting at the Election. City Council declares City of Houston, Proposition B adopted pursuant to its ministerial

duty to comply with Section 9.005 of the Texas Local Government Code. The Charter of the City of Houston is hereby amended by adding a new section 25 to Article IX to contain the amendment to the City Charter stated in Section 4 of this Ordinance.

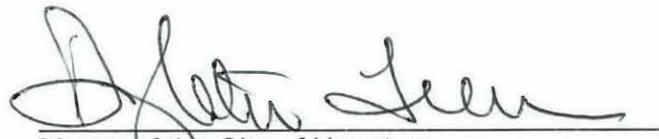
Section 6. That this Ordinance shall constitute the official act of the City Council in compliance with all applicable law.

Section 7. That the City Council officially finds, determines, recites and declares that sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at City Hall for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

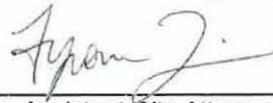
Section 9. That here exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 20th day of November, 2023.



Mayor of the City of Houston

Prepared by Legal Dept.
TKL 11/17/2023
Requested by Pat Jefferson-Daniel, City Secretary
L.D. File No. GC-000000242



Sr. Assistant City Attorney

Meeting 11/20/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
Absent		Kamin
✓		Evans-Shabazz
Absent		Martin
✓		Thomas
Absent		Huffman
✓		Cisneros
✓		Gallegos
Absent		Pollard
✓		Castex-Tatum
Absent		Knox
✓		Robinson
Absent		Kubosh
Absent		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 11/22/2023