

**NOTICE OF MEETING  
OF THE  
HAMILTON ECONOMIC DEVELOPMENT CORPORATION**  
Wednesday, October 25, 2023 at 5:30 p.m.

Notice is hereby given that a **Called Meeting** of the Hamilton Economic Development Corporation, a non-profit 4B Corporation, will be held at **5:30 p.m.** on October 25, 2023, at the Hamilton Economic Development Corporation Office located at 108 North Bell Street, Hamilton, Texas at which time the following subjects will be discussed:

**1. CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**

**2. CITIZENS COMMENTS.** *First, this is a period during the meeting where members of the public have an opportunity to address the Board concerning any issue of community interest that is not on the agenda. Comments on a specific agenda item is defined as "Public Testimony" pursuant to Texas Government Code Section 551.007 and establishes a period, when an agenda item is called for action by the Board for the public to speak on the item before the Board votes on the item. The President may control the timing as to when testimony is taken and place a reasonable time limit on all comments. Any deliberation regarding an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting, or a clear statement of policy provided by the President or staff.*

**3. CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Board and will be approved by one motion. There will be no separate discussion of these items unless a Board Member requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda*

**4. REGULAR AGENDA.** *The Board will individually consider and possibly take action on any or all of the following items:*

- (a) Discuss and consider action on a Resolution approving the amended changes to the Fiscal Year 2022-2023 budget.
- (b) Discuss and consider action on a Resolution approving the amended changes to the Fiscal Year 2023-2024 budget, to include full reinstatement of Administrative budget line items: Personnel and Legal Fees.
- (c) Discuss and consider action on a Resolution approving the extension of City insurances and benefits, as authorized by Texas Local Government Code 501.067 to Hamilton Economic Development Corporation and its Directors, Employees and Volunteers, upon consent of the City Council.

(d) Discuss and consider action on a Resolution declaring:

- 1) the City Council's comments at its meeting on October 12, 2023, regarding any limitation on the provision of legal services to a Texas Economic Development Corporation as erroneous, untrue, made recklessly for the truth, made in blatant disregard of the truth and made intentionally knowing it was false and used such justification pretextual for unlawful retaliation;
- 2) the City Council's without statutory authority, illegally altered the Corporation's budget in violation of Texas Government Code Section 501.073(a) by striking its legal fees budget, is intentional retaliation against the individual members of the Board for taking statutorily protected conduct in compliance with the Texas Business Organization's Code;
- 3) the City Council, in clear and intentional retaliation, is depriving the Corporation as a body, by failing to approve the expenditure of necessary expenses and fees to maintain the operation of the Corporation in compliance with all applicable law;
- 4) the City Council is actively interfering with, with the intent to deprive the Corporation of its chosen legal counsel, a right protected by the Texas and United States Constitutions and an act violating the Corporation's Fourteenth Amendment due process rights;
- 5) the City Council's conduct has, and is continuing to, illegally interfere in the board's statutory obligation to act in the best interest of the Corporation, subject to civil penalty;
- 6) the City Council's is acting in its proprietary capacity, waiving the defense of sovereign immunity, which places the City tax dollars at risk of litigation and adverse judgment;
- 7) the Board of Directors assert non-waived and irreconcilable legal conflict of interest between the City Attorney serving the City of Hamilton and the Corporation, as identified and described in Texas City Attorney Association continuing legal education documentation, which would place City Attorney White's Texas State Bar license subject to penalty or forfeiture;
- 8) the Board of Directors hold no faith in the City of Hamilton's City Attorney Connie White, in performing any legal services to the Corporation, including economic development related and other general counsel related legal services, examples of which have already be presented to, and disregarded by, the Mayor, City Administrator and City Attorney, by the Corporation's General Counsel at the direction of the Board of Directors; and,
- 9) the Board of Directors conditional resignation, conditional upon the City Council correcting its conduct toward the Board members, Staff and General Counsel as further described in this Resolution.

(e) Discuss and consider action on a conditional separation agreement between the HEDC and Executive Director, Jamie LaDuke to respond and protect Ms. La Duke from uncalled for harassment by the Mayor and City Manager, and to meet its duty as her employer to protect Ms. LaDuke from fear of and continued illegal harassment. (This item may include a recess of the open session to reconvene in executive session pursuant to Texas Government Code Section 551.074 (Personnel) and Section 551.071 (Attorney Consultation) if necessary.

## **5. ADJOURNMENT**

*The Hamilton Economic Development Corporation reserves the right to adjourn into Executive Session at any time during the course of this meeting to deliberate and seek the advice of its legal counsel on any item listed on the agenda, to the extent authorized by the Texas Government Code including, but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code including, but not limited to, Section 321.3022 (Sales Tax Information). Action, if any, will be taken in open session.*

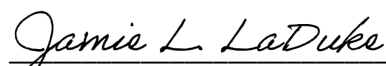
*The Hamilton Economic Development Corporation is committed to Americans with Disabilities Act, compliance and will provide for reasonable accommodations for persons attending Board meetings. While efforts will be made on any request made, requests received 48 hours prior to the meeting typically allow sufficient time for any reasonable accommodation to be secured for the meeting. Please email [edc@hamiltiontx.com](mailto:edc@hamiltiontx.com) or call (254) 386-5954 or call (512) 759-4033 for assistance or additional information.*

*This agenda has been reviewed and approved by the Board's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the item discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This paragraph has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

*Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act. Further requirements applicable to any body which attends in numbers constituting a quorum are the sole responsibility of the body attending.*

### **Certificate of Posting**

I, Jamie L. LaDuke, as Executive Director, do certify that this Notice and Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 22nd day of October 2023 at or before 4:30 p.m. and remained so posted for at least 72 continuous hours proceeding the scheduled time of said meeting.

  
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Jamie L. LaDuke,  
Executive Director