

## AGENDA

Special Called  
Commissioners Meeting  
June 9, 2014  
6:00 p.m.-City Hall  
501 Sheppard Road  
Burkburnett, Texas 76354

**Item 1.** Mayor: Call meeting to order.

**Item 2.** Invocation.

**Item 3.** Pledge of Allegiance.

**Item 4.** Discuss and take any action necessary on a final plat, Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition.

**Item 5.** Discuss and take any action necessary on a site plan for JS Welding.

**Item 6.** Discuss and take any action necessary on approval of ballot language for possible Charter Amendment.

**Item 7.** City Manager Comments.

**Item 8.** Council comments.

**Item 9.** Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall facing the outside on June 6, 2014 at 2:45 p.m. in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk  
Posted 6/6/14 @ 2:45 P.m.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (940)569-2263 for further information.



## City Commission Agenda Memo

**From:** Gordon Smith, Director of Public Works

**Date:** June 5, 2014

**Item:** Discuss and take any action necessary on a final plat, Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition

### Background

Josh Stimpson of J& S Welding provided an application and final plat for staff's review and presentation to Planning & Zoning and City Commissioners for approval.

On June 2, 2014 the Planning and Zoning Board met and staff presented the final plat of Lot 1 Block 1 Stimpson 2<sup>nd</sup> Addition (Daniels Rd. Adjacent to BDC Industrial Park). The property zoned industrial meets the final platting requirements of 45 feet front building line set back and 25 feet side and rear setback.

The property does have a 70 feet drainage easement to where no building permits will issued in the drainage easement area.

The Planning and Zoning Commission of the City of Burkburnett voted unanimously to recommend to City Commissioners approval of the Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition.

### Fiscal Impact

N/A

### Options

- Approve Final Plat
- Not approve Final Plat

### Staff Recommendation

Staff recommends to City Commissioners approval of the Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition.

### Attachments

- 1) Final Plat Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition
- 2) Proposed Site plan for J&S Welding

STATE OF TEXAS  
COUNTY OF WICHITA

WHEREAS Josh Stimpson is the owner of a 4.00 acre tract out of Block 12, Red River Valley Lands, more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found at the Southeast corner of Lot 6, BDC Enterprise Addition, an addition to the city of Burkburnett as recorded at Volume 27, Pages 1495-1496, Wichita County Plat Records, said rod being in the West right-of-way of Daniels Road (F.M. 3429), a dedicated street, for the Northeast corner of this tract;

THENCE S 00° 14' 41" W with the West right-of-way line of Daniels Road a distance of 302.50 feet to an iron rod found, said rod being 10.8 feet Northerly of a fence corner of a concrete yard, for the Southeast corner of this tract;

THENCE N 65° 00' 16" W a distance of 175.50 feet to an iron rod found, said iron rod being 9.5 feet Northerly of the aforementioned fenced concrete yard, for an angle corner of this tract;

THENCE N 89° 24' 42" W a distance of 581.00 feet to an iron rod found, said iron rod being 9.2 feet Northerly of the aforementioned fenced concrete yard, for the Southwest corner of this tract;

THENCE N 00° 11' 00" E a distance of 224.72 feet to an iron rod found in the South line of Lot 4 of aforementioned BDC Enterprise Addition, for the Northwest corner of this tract;

THENCE S 89° 49' 07" E with the South lines of Lots 4, 5 and 6, BDC Enterprise Addition, a distance of 740.61 feet to the PLACE OF BEGINNING and containing 4.00 acres of land.

THEREFORE, the owner of the land shown on this plat and whose name is subscribed hereto and in person or through a duly authorized agent, hereby dedicates to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed and further warrants that he has lawful authority to make such dedications.

Josh Stimpson, Owner

STATE OF TEXAS  
COUNTY OF WICHITA

Before me, the undersigned authority, on this day personally appeared Josh Stimpson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Notary Public, Wichita County, Texas

This Plat of Lot 1, Block 1, Stimpson 2nd Addition, Burkburnett, Texas, has been submitted to and considered by the City Council of the City of Burkburnett, Texas, and is hereby approved by same.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Carl Law, Mayor

This is to certify that all taxes due and collected by the Burkburnett Independent School District on the above described property have been paid up to and including \_\_\_\_\_ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: \_\_\_\_\_

by Deputy: \_\_\_\_\_

Date: \_\_\_\_\_, 2014

This is to certify that all taxes due and collected by Wichita County and the City of Burkburnett on the above described property have been paid up to and including \_\_\_\_\_ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: \_\_\_\_\_

by Deputy: \_\_\_\_\_

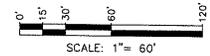
Date: \_\_\_\_\_, 2014

# FINAL PLAT STIMPSON 2ND ADDITION LOT 1, BLOCK 1

( 4.00 ACRES OUT OF BLOCK 12, RED RIVER VALLEY LANDS  
BURKBURNETT, WICHITA COUNTY, TEXAS )

MAY, 2014

SCALE: 1" = 60'



The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Burkburnett, Wichita County, Texas.

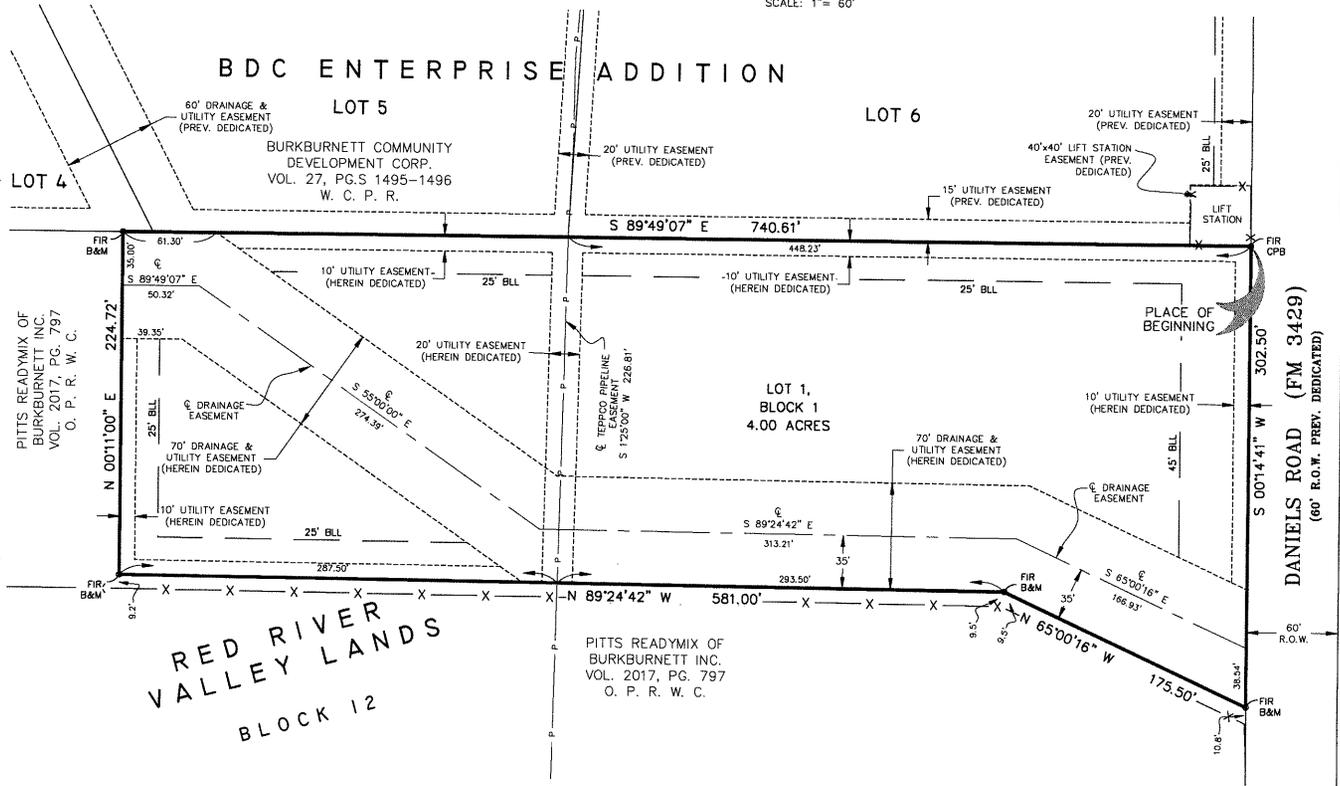
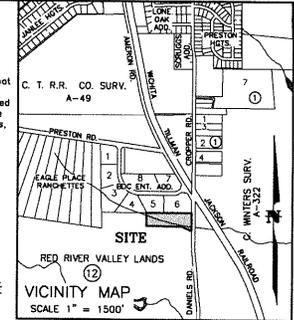
Map Number: 48485C0180G.

Dated: February 3, 2010.

as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

Flood Zone designation is Zone X.

NOTE:  
COMPLIANCE WITH THE CURRENT STORMWATER DETENTION ORDINANCE WILL BE REQUIRED ON THIS PROPERTY BEFORE BUILDING PERMITS WILL BE ISSUED.



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BURKBURNETT INC.  
VOL. 2017, PG. 797  
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DEVIN C. SMITH  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849

OWNER:

**JOSH STIMPSON**  
110 F.M. HIGHWAY 364  
BURKBURNETT, TEXAS 76354  
PHONE: (940) 642-2009

PREPARED BY:

**CORLETT, PROBST & BOYD, P.L.L.C.**  
ENGINEERS & SURVEYORS  
4605 OLD JACKSBORO HIGHWAY  
WICHITA FALLS, TEXAS 76302  
PHONE (940) 723-1455



## City Commission Agenda Memo

**From:** Gordon Smith, Director of Public Works  
**Date:** June 5, 2014  
**Item:** Discuss and take any action necessary on a site plan for J&S Welding.

### Background

Josh Stimpson of J& S Welding provided an application and a site plan for staff's review and presentation to Planning & Zoning and City Commissioners for approval.

On June 2, 2014 the Planning and Zoning Board met and staff presented the J&S Welding Commercial Site Plan of Lot 1 Block 1 Stimpson 2<sup>nd</sup> Addition (Daniels Rd. Adjacent to BDC Industrial Park). The property is zoned industrial and the use is in compliance with zoning ordinance.

The site plan displays a 80' x 50' (4,000sq.ft.) welding shop with an additional 24'x 23'.6" (564 sq.ft.) office and an 30'x 60'(1,800 sq.ft.) accessory building. The building elevation displays the build office and main bay doors facing the south on the property.

The Planning and Zoning Commission of the City of Burkburnett voted unanimously to recommend to City Commissioners approval of the site plan.

### Fiscal Impact

N/A

### Options

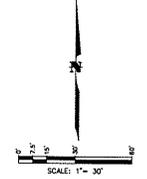
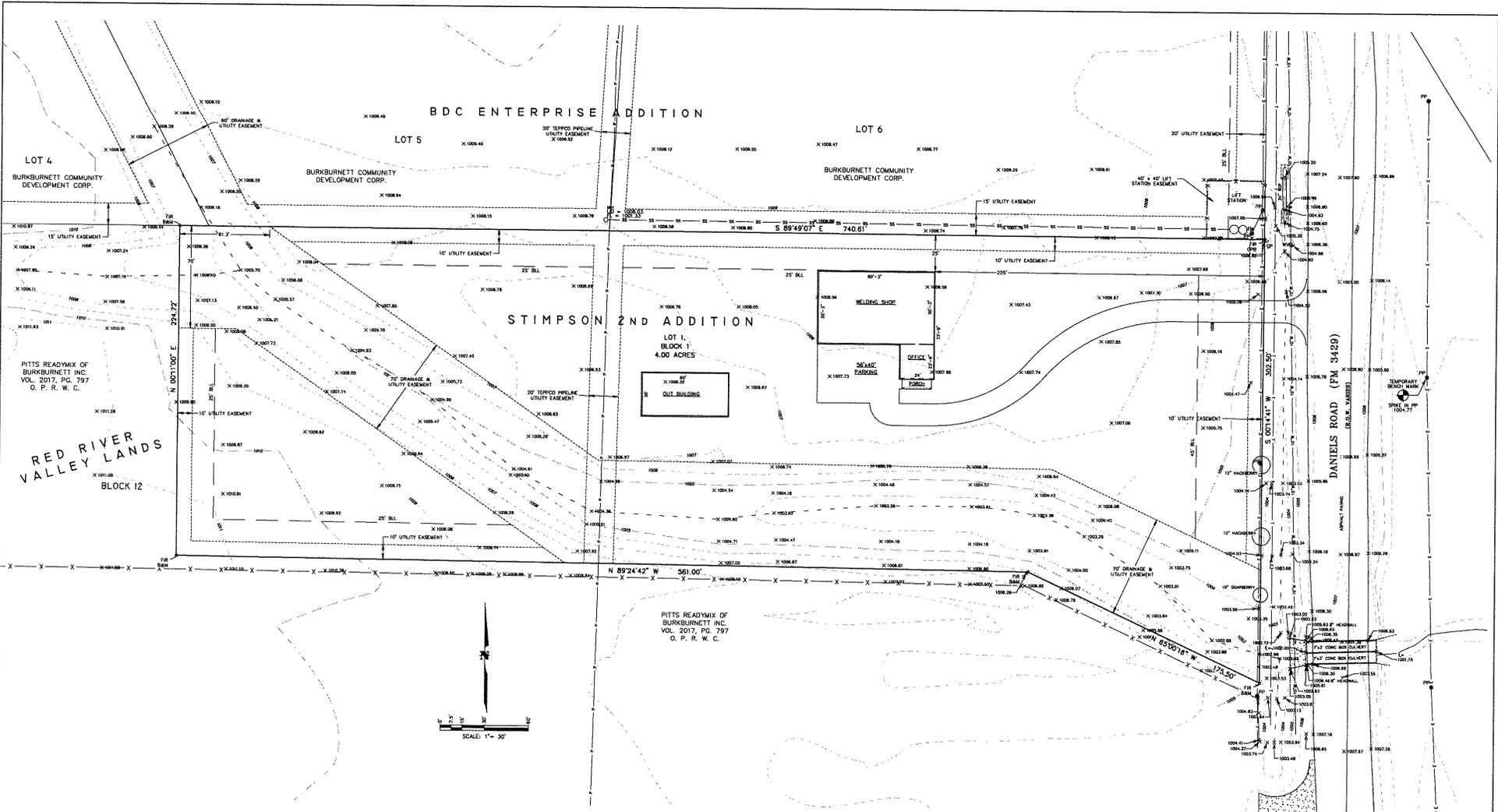
- Approve Final Plat
- Not approve Final Plat

### Staff Recommendation

Staff recommends to City Commissioners approval of the J&S Welding Commercial Site Plan. Upon a site plan approval a Building Permit will be issue only after City Staff is in receipt of a full complete set of construction plans of all buildings.

### Attachments

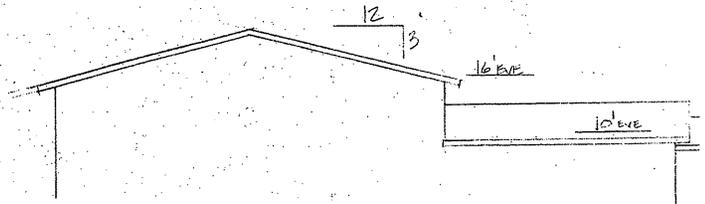
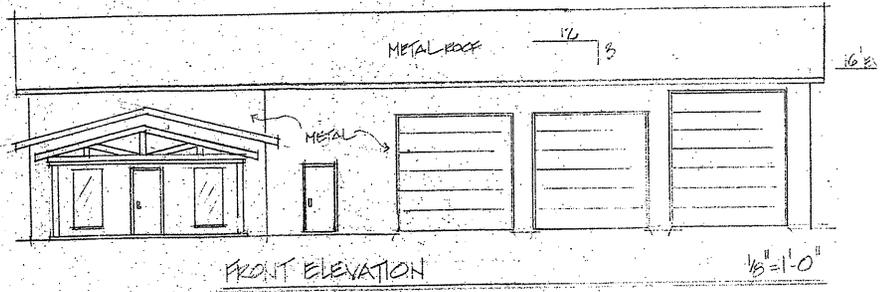
- 1) Final Plat Lot 1 Block 1, Stimpson 2<sup>nd</sup> Addition
- 2) Proposed Site plan for J&S Welding



DEVIN G. SMITH  
LICENSED PROFESSIONAL ENGINEER NO. 84012

<b>SITE PLAN</b> <b>J. S. WELDING &amp; CONSTRUCTION</b> <b>4.00 ACRES TRACT OUT OF</b> <b>BLOCK 12, RED RIVER VALLEY LANDS</b> <b>DANIELS ROAD, BURKBURNETT, TEXAS</b>	
<b>CORLETT, PROBST &amp; BOYD, P.L.L.C.</b> ENGINEERS - SURVEYORS T&PE P-279 4805 OLD JACKSBORO HIGHWAY WICHITA FALLS, TEXAS 76302	
DRAWN: PT CHECKED: DGS APPROVED: DGS PHONE: (817)272-1122 FAX: (817)287-1844	SCALE: 1" = 30' MAY, 2014 SHEET 1 OF 1

C:\WORK\PROJECTS\2014\20140514\20140514.DWG, 11/17/2014 11:17 AM, 14.17/2014 11:18 AM, 14.17/2014 11:18 AM



**AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A SPECIAL HOME-RULE ELECTION IN THE CITY OF BURKBURNETT, TEXAS, TO BE HELD ON NOVEMBER 4, 2014 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF BURKBURNETT, TEXAS, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Burkburnett, Texas, in the exercise of the discretion reposed in it by the Constitution and laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code, has determined to submit the following proposed amendments of the existing Charter of the City of Burkburnett at a special election to be held concurrently with the general election to be held November 4, 2014;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURKBURNETT, TEXAS:**

**Section 1  
ELECTION ORDER AND NOTICE OF ELECTION**

There is hereby ordered a Special Election to be participated in by the qualified voters of the City of Burkburnett, Texas, to be held on the 1<sup>st</sup> Tuesday in November, being the 4<sup>th</sup> day of November, 2014, between the hours of \_\_\_\_\_ and \_\_\_\_\_, for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the following proposed amendments to the existing Charter of the City of Burkburnett, Texas.

**Section 2  
PROPOSED AMENDMENTS**

**I.**

Amending Article III, Section 4 of the City Charter to correct a typographical error changing the word “choses” to “choices” so that the language shall read as follows:

“All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, fire stations, parks, streets and alleys, and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City of Burkburnett, shall vest in, inure to, remain and be the property of said City of Burkburnett under this Charter; and all causes of action, choices in action, rights or privileges of every kind and character and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City of Burkburnett for public uses or in trust

for the public, shall vest in and remain and inure to the City of Burkburnett under this Charter, and all suits and pending actions to which the City of Burkburnett heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the adoption of this Charter, but shall be continued unabated.

## **II.**

Amending Article III, Section 10 of the City Charter clarifying the eminent domain authority for the City by authorizing the use of eminent domain authority as provided by the Constitution and laws of the State. The current language lists multiple areas of eminent domain authority. The new language will authorize the City to use the eminent domain authority provided by the Constitution and laws of the state of Texas so that the language will read as follows:

“The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.”

## **III.**

Amending Article III, Section 18 of the City Charter to correct a typographical error changing the word “damand” to “demand” so that the language shall read as follows:

“The City of Burkburnett shall have the power to buy, own, construct and to maintain and operate, within or without the city limits, a system or systems, of gas, or electric lighting plants, power plants, telephones, street railways, fertilizing plants, abattoirs, municipal railway terminals, loading and unloading devices, and shipping facilities, or any other public services or public utilities and to demand and receive compensation for services furnished for private purposes or otherwise, and to exercise the right to eminent domain for the appropriations of lands, rights-of-way or anything whatsoever that may be proper and necessary to efficiently carry out said objects. And said City of Burkburnett shall have the power to acquire by lease, purchase or condemnation, the property or any part thereof of any person, firm or corporation now or hereafter conducting any such business, for the purpose of operating such public utility or utilities and for the purpose of distributing such service throughout the city or any part thereof, and the governing body of said city shall pass all ordinances or resolutions necessary or proper to give full force and effect to the provisions contained in this section.”

## **IV.**

Repealing Article III, Section 30 of the City Charter designating the fire limits within.

**V.**

Repealing Article III, Section 31 of the City Charter designating the materials the must be used for construction within the fire limits.

**VI.**

Repealing Article III, Section 32 of the City Charter authorizing the Board of Commissioners to extend the boundary of the fire limits.

**VII.**

Amending Article III, Section 34 of the City Charter by removing the requirement for fire escapes for all public buildings. The language will read as follows:

“In addition to the powers hereinbefore specifically enumerated, said city shall have the power to define all nuisances, prohibit the same within the city and outside the city limits for a distance of five thousand feet.

To police all parks, grounds, speed ways, streets, avenues and alleys owned by said city within or without the city limits.

To prohibit the pollution of all sources of water supply of said city, and to provide for the protection of water sheds.

To inspect dairies, slaughter pens, and slaughter houses, inside and outside the city limits of the city, from which meat or milk is furnished to the inhabitants of the city.

To license, operate and control the operation of all character of vehicles using public streets, and to prescribe the speed of the same, the qualifications of the operator of the same, and the lighting of the same by night and to provide for the giving of bond or other security for the operation of same.

To regulate, license and fix charges of fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or transportation of freight for hire on the public streets and alleys of the city.

To license any lawful business, occupation or calling that is susceptible to the control of the police power.

To license, regulate, control or prohibit the erection of signs or bill boards within the corporate limits of said city.

To provide for Police and Fire Departments.

To provide for a Health Department and to establish all necessary rules and regulations protecting the health of the city and the establishment of quarantine stations and pest houses, emergency hospitals and hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases.

To require property owners to make connections with the sewer system with their premises and to provide for fixing a lien against any property owner's premises, who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability, also provide for fixing penalties for failure to make sanitary sewer connections, provided the sewer system is owned and operated by the city.

To provide that gas companies, street car companies, telephone companies, telegraph companies and electric light companies or any other companies or individuals enjoying a franchise now or hereafter from the city to make and furnish extension of their service to such territory within the corporate limits as may be prescribed from time to time by ordinance.

To provide for the regulation and control of plumbers and plumbing works and to require efficiency in the same.

To provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters, and to require conformity to such standards, and to provide penalties for failure to use or conform to the same, and to provide for inspection fees.

To provide for the issuance of permits for erecting all buildings; for the inspection of the construction of buildings, in respect to proper wiring for electric lights and other electric appliances; piping for gas, flues, chimneys, plumbing and sewer connections, and to enforce proper regulations in regard thereto.

To provide for the enforcement of all ordinances enacted by the city, by a fine not to exceed \$200.00; provided, that no ordinances enacted by the city shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this State.”

## **VIII.**

Amending Article III, Section 36 of the City Charter to reference Chapter 9 of the Texas Local Government Code as the statute that enumerates Home-Rule authority so that the language will read as follows:

“The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City of Burkburnett shall have and may exercise all other powers which, under the Constitution of this State and Chapter 9 of the Texas Local Government Code, it would be competent for this Charter to specifically enumerate.”

## **IX.**

Amending Article IV, Section 1 of the City Charter to establish that the Board of Commissioners shall consist of a Mayor and six (6) commissioners. This change is necessary because of other amendments establishing that the Mayor will be elected by the registered voters in Burkburnett. The language will read as follows:

“The governing body of the City of Burkburnett shall consist of a Mayor and six (6) commissioners, and said body shall be known as the "Board of Commissioners."

**X.**

Amending Article IV, Section 2 of the City Charter establishing a place system for the Commissioners, establishing that the Mayor be elected by the registered voters of Burkburnett and establishing three year terms for the Mayor and Commissioners. The language will read as follows:

“The Board of Commissioners shall be composed of the Mayor and six (6) commissioners elected at large. The commissioners shall be elected under a Place system, there being Places 1, 2, 3, 4, 5, and 6. The Mayor and each commissioner shall occupy a place on the Board and shall be elected by plurality from all candidates running for that position or place in the manner provided in this Charter and under the laws of the state of Texas, to serve for three (3) year terms. Following the election at which this Section is amended to establish the Place system, the place to be occupied by each commissioner in office shall be determined by the City Secretary in a manner that preserves the staggered term and, as near as possible, the election pattern existing prior to adoption of the Place system.”

**XI.**

Amending Article IV, Section 5 of the City Charter establishing term limits for the Commissioners, the Mayor and individuals consecutively serving in both positions. The language will read as follows:

“No person shall be elected to and serve more than three (3) consecutive terms as a Commissioner, nor may any person be elected to serve more than three (3) consecutive terms as Mayor. Notwithstanding anything herein to the contrary, no person may be elected to and serve more than five (5) consecutive combined terms as a Commissioner and Mayor. For the purposes of this section, the fulfillment of an unexpired term, due to a vacancy in the Board of Commissioners or in the office of Mayor, whether by appointment, or election, shall not be considered as an elected term under provisions of this section.”

**XII.**

Amending Article IV, Section 6 of the City Charter establishing procedures for the filling of vacancies on the Board of Commissioners. The language will read as follows:

“(A) A single vacancy in the Board of Commissioners shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of a quorum of the remaining members of the Board by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular City election.

(B) When more than one vacancy shall develop at any one time, a special election shall be called by the Board of Commissioners for the next date available under the Texas Election Code to fill the vacancies in the same manner as described herein for regular elections. However, if the vacancies occur within ninety (90) days of a regular election, then no special election shall be called and the remaining Commissioners shall appoint qualified persons to fill the vacancies until the regular election.”

### **XIII.**

Amending Article IV, Section 7 of the City Charter regarding the election of the Mayor Pro-Tem. The Board of Commissioners is recommending a change regarding the election of the Mayor. If the Charter amendment regarding the election of the Mayor is approved by the voters, there will be no need for the Board to elect a Mayor from its memberships. The amendment, including that change to the section title, will set forth the procedure to elect and duties of a Mayor Pro-Tem. The language will read as follows:

“Section 7. MAYOR PRO-TEM.

At the first meeting of the Board of Commissioners held after each general election in May, the Board shall elect one of its members to preside as Mayor Pro-Tem. The Mayor Pro-Tem shall have and exercise all powers of Mayor in the absence of, or during the disability from any cause of, the Mayor.”

### **XIV.**

Amending Article IV, Section 9 of the City Charter regarding the compensation of the members of the Board of Commissioners so that the members of the Board will serve without compensation. The language will read as follows:

“The members constituting the Board of Commissioners shall receive no compensation for their service.”

### **XV.**

Amending Article IV, Section 12 of the City Charter to remove language regarding the election of the Mayor by the Board of Commissioners and to remove language regarding the requirement that the Mayor sign all contracts and bonds and serve as chief executive officer for the city. The language will read as follows:

“The Mayor of the City of Burkburnett shall preside over the meetings of said Board and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the Board and shall be entitled to a vote as a member thereof on all legislative and other matters but shall have no veto power. He shall be recognized as the official head of

the city by the courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes. In times of danger and emergency, the Mayor, may, with the consent of the Board of Commissioners, take command of the police and govern the city by proclamation and maintain order and enforce all laws.”

**XVI.**

Amending Article IV, Section 18(B) of the City Charter to change the time of filing and posting notice of the referenced measures to seventy-two (72) hours to be consistent the time set forth in the Texas Open Meetings Act for notice of meetings. The language will read as follows:

“(B) Seventy-two (72) hours prior to the meeting at which a measure will be considered, a draft of the measure shall be filed with the City Secretary, and notice of that filing shall be posted at City Hall. The notice shall consist of the caption of the measure.”

**XVII.**

Amending Article IV, Section 20 of the City Charter to add language that an ordinance requiring publication in the official newspaper of the city will also be posted on the electronic version of that newspaper if the newspaper has an electronic version of its paper. The language will read as follows:

“Every ordinance imposing any penalty, fine, imprisonment or forfeiture shall, after the passage thereof, be published in every issue of the official paper, including inclusion on the electronic form, if any, of the newspaper, for ten days; if the official paper be published weekly, the publication shall be made in one issue thereof; and proof of such publication shall be made by the printer or publisher of such paper, making affidavit before some officer authorized by law to administer oaths, and filed with the person performing the duties of City Clerk or Secretary and shall be prima facie evidence of such publication and promulgation of such ordinance in all courts of the State, and such ordinance so published shall take effect, and be in force, from and after the publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force from and after the passage, unless otherwise provided.

**XVIII.**

Amending Article IV, Section 23 of the City Charter to allow for an ordinance amending the Code of Ordinances or a city ordinance to include only the language that is being amended. Since the City has codified many of its ordinances in the Code of Ordinances, there is no need for each ordinance that amends the Code of Ordinances to contain the entire language of the previous ordinances adopting that chapter or section. The revised language allows the ordinance to contain the entire language but does not make it mandatory. The language will read as follows:

“The Code of Ordinances and ordinances of the city may be amended by ordinance. The ordinance amending the Code of Ordinances or an ordinance may contain only the portion of the Code of Ordinances or ordinance that is being amended.”

**XIX.**

Amending Article IV, Section 33 of the City Charter to cause that the audit of the City books of accounts of each and every department, although continuous, shall be completed annually or in accordance with state law. The language will read as follows:

“The Board of Commissioners shall cause a continuous audit to be made of the books of accounts of each and every department of the city. Such audit shall be made by a nonresident certified public accountant, who shall be selected by said Board and contract entered into from year to year, and, if practicable, such contract shall provide that the books of the city shall be audited annually or in accordance with state law, the last audit to be made at the close of the fiscal year and which shall be a recapitulation of the quarterly audits, and such auditor’s report to the Board, in a condensed form, shall be published at least once in the official organ of the city.”

**XX.**

Amending Article IVa, Section 1 of the City Charter to correct a typographical error changing the word “fall” to “fill” so that the language shall read as follows:

“Any member of the Board of Commissioners, whether elected to office by the qualified electors of the city or elected by said Board to fill a vacancy, shall be subject to recall and removal from office by the qualified electors of the city as in this Charter provided.”

**XXI.**

Amending Article IVa, Section 2 of the City Charter to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city. The language will read as follows:

“Before the question of recall of such officers shall be submitted to the qualified electors of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Clerk or Secretary, which said petition shall be signed by at least thirty percent of the qualified voters of the city, to be determined by the latest voter registration list of the city. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name, his place of residence, giving name of street and number, and shall also write thereon the day of the month and year his signature was affixed.

**XXII.**

Amending Article IVa, Section 5 of the City Charter to allow for a period of twenty (20) days for the City Clerk to certify a recall petition and set procedures for recall petitions that do not meet the requirements for a recall petition. The language will read as follows:

“Within twenty (20) days after the date of the filing of the papers constituting the recall petition, the City Clerk shall certify to the Board of Commissioners the number of qualified voters within the City of Burburnett, shall further certify the number of qualified voters signing said petition, and shall present such petition and his certificate thereto to said Board. The City Clerk shall declare void any papers constituting the recall petition which does not meet the requirements of Section 3 of this Article. If the papers constituting the recall petition are found by the City Clerk to be insufficient, the City Clerk shall notify the person filing the petition. The person filing the petition shall have fifteen (15) days from the date of such notice to file an amended or supplementary petition signed and filed as prescribed in the original petition. Within ten (10) days after the person files the supplemental petition, the City Clerk shall examine the amended or supplemental petition and certify its sufficiency. If the City Clerk finds the amended or supplementary petition to be insufficient, there shall be no further proceedings on the petition.

**XXIII.**

Amending Article IVb, Section 2(a) of the City Charter to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city. The language will read as follows:

“(a) PETITION: A petition signed and verified in the manner and form required for recall petition in Article IVa by qualified electors equal to twenty percent of the total qualified electors of said city, as shown by its voter registration list, accompanied by the proposed legislation or measure in the form of a proposed ordinance or resolution, which must be written or printed, and requesting that such ordinance or resolution be submitted to a vote of the qualified electors, if not passed by the Board of Commissioners, shall be filed with the person performing the duties of City Clerk or Secretary.”

**XXIV.**

Amending Article IVb, Section 2(b) of the City Charter to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city. The language will read as follows:

“(b) CERTIFICATE: Within five days after the filing of such petition the person performing the duties of City Clerk or Secretary shall certify the number of qualified voters residing in said City of Burburnett, as shown by its voter registration list, and the number of signers of such petition, and shall present said

certificate, petition and proposed ordinance or resolution to the Board of Commissioners.”

**XXV.**

Amending Article IVb, Section 3 of the City Charter to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city. The language will read as follows:

“If, prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, a petition signed and verified as required for recall petition in Article IVa and by section 2 (a) hereof, by the qualified voters of said city equal in number to twenty percent of the total qualified voters of said city, as shown by its latest voter registration list, shall be filed with the person performing the duties of City Clerk or Secretary, protesting against the enforcement or enactment of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition, the person performing the duties of City Clerk or Secretary shall do all things required by section 2 (a) of this Article. Thereupon the Board of Commissioners shall immediately re-consider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election, or said Board may, in its discretion call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.”

**XXVI.**

Amending Article V, Section 1 of the City Charter to add language that the City will enter into an employment agreement with the individual who holds the position of City Manager. The language will read as follows:

“The Board of Commissioners shall appoint the City Manager at the organization meeting of said Board or as soon thereafter as practicable, who shall be the administrative head of the municipal government, under the direction and supervision of said Board. The Board of Commissioners shall enter into an employment agreement with the City Manager.”

**XXVII.**

Amending Article V, Section 2 of the City Charter to add language that the individual who is hired as City Manager and does not live within the City limits of the City of Burkburnett must move within the City limits within 90 days of employment as City Manager. The language will read as follows:

“The City Manager may or may not be a resident of the City of Burkburnett when appointed. The individual hired as City Manager will have ninety (90) days from their appointment as City Manager to move within the City limits of the City of Burkburnett.”

#### **XXVIII.**

Amending Article V, Section 5c of the City Charter to remove the following language “and all subordinate employees of the city”. The language will read as follows:

“(c) With the advice and consent of the Board of Commissioners to appoint and remove all heads of departments (except where this Charter places in the Board of Commissioners such power of appointment);”

#### **XXIX.**

Amending Article VIII, Section 1 of the City Charter to remove language allowing an individual requesting a franchise to force an election and adding a reference to Chapter 311 of the Texas Transportation Code. The language will read as follows:

“The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Burkburnett, its avenues, parks, bridges, and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all of the members of the Board of Commissioners and in accordance with Chapter 311 of the Texas Transportation Code; and no grant of any franchise, or lease or right to use the same, either on, along, through, across, under or over the same by any private corporation, association or individual, shall be granted by the Board of Commissioners, unless submitted to the vote of the legally qualified voters of the city, for a longer period than thirty years; provided. Even after election, no grant shall be made or authorized for a longer period than fifty years.”

#### **XXX.**

Amending Article VIII, Section 8 of the City Charter to change the language regarding calling a franchise election to be order when the Board of Commissioners receives a petition signed by 10% of the registered voters of Burkburnett. Previous language required that the petition be signed by one hundred legally qualified voters. The change amends the section so that it is consistent with state law. The language will read as follows:

Pending the passage of any such ordinance or during the time intervening between its final passage and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the Board of Commissioners to order an election, if requested by written petition signed by 10% of the registered voters of Burkburnett, at which election the registered voters of Burkburnett shall vote for or against the proposed grant as set forth in detail by the ordinance conferring the

rights and privileges upon the applicants therefor, which said ordinance shall be published at length and in full in the call for said election made by the Board of Commissioners, and if at said election the majority of the votes cast shall be for said ordinance and the making of said proposed grant, the same shall thereupon become effective, but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass nor shall it confer any rights, powers or, privileges of any kind whatever upon the applicants therefor, and it shall be the duty of said Board, after canvassing the vote of said election to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

**XXXI.**

Repealing Article IX, Section 1 of the City Charter which allows the City Manager to appoint a City Tax Assessor-Collector.

**XXXII.**

Amending Article IX, Section 7B of the City Charter to update the language regarding securing a tax warrant and to make reference to the applicable state law, Chapter 33 of the Texas Tax Code. The language will read as follows:

“(B) Business and Non-Business Personal Property. Upon securing a tax warrant as provided by Chapter 33 of the Texas Tax Code or other applicable state law, the city tax collector, accompanied by a peace officer, may seize, and take possession pending the sale of, as much of any business personal property, or certain non-business taxable personal property as may be reasonably necessary for the payment of all taxes, penalties, and interest owed, as well as all costs of seizure and sale.”

**XXXIII.**

Adding Article XIII, Section 7 to the City Charter to clarify that the use of masculine, feminine or neuter genders shall be interpreted to include the other genders and the use of either the singular or plural number shall be interpreted to include the other number, unless such an interpretation is inconsistent with the use of that gender or number. The language will read as follows:

“Section 7. USE OF GENDER AND NUMBER.

The use of the masculine, feminine or neuter genders shall be interpreted to include the other genders, and the use of either the singular or the plural number shall be interpreted to include the other number, unless such an interpretation in a particular case is inconsistent with the use of that gender or number.”

**Section 3**

The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that each voter

may vote “For” or “Against” any amendment or amendments without voting “For” or “Against” all such amendments, and shall have written or printed thereon the following:

**CHARTER AMENDMENTS**

**I.**

- FOR
- AGAINST

Shall Article III, Section 4 of the City Charter be amended to correct a typographical error changing the word “choses” to “choices”?

**II.**

- FOR
- AGAINST

Shall Article III, Section 10 of the City Charter be amended to authorize the City to exercise eminent domain authority as provided by the Constitution and laws of the State?

**III.**

- FOR
- AGAINST

Shall Article III, Section 18 of the City Charter be amended to correct a typographical error changing the word “damand” to “demand”?

**IV.**

- FOR
- AGAINST

Shall Article III, Section 30 of the City Charter regarding the setting of fire limits within the City be repealed?

**V.**

- FOR
- AGAINST

Shall Article III, Section 31 of the City Charter regarding the requirement to use certain materials for construction within the fire limits be repealed?

**VI.**

- FOR
- AGAINST

Shall Article III, Section 32 of the City Charter allowing the Board of Commissioners to extend the boundary of the fire limits be repealed?

**VII.**

- FOR
- AGAINST

Shall Article III, Section 34 of the City Charter be amended to remove the language which requires the construction of fire escapes on all public buildings?

**VIII.**

- FOR
- AGAINST

Shall Article III, Section 36 of the City Charter be amended to reference Chapter 9 of the Local Government Code as the appropriate statute for the enumeration of Home-Rule municipal authority?

**IX.**

- FOR
- AGAINST

Shall Article IV, Section 1 of the City Charter be amended to establish that the Board of Commissions shall consist of the Mayor and six (6) commissioners?

**X.**

- FOR
- AGAINST

Shall Article IV, Section 2 of the City Charter be amended to establish the place system for the election of Commissioners, establish that the Mayor is elected by the registered voters of Burkburnett and establishing three year terms of office for the Mayor and Commissioners?

**XI.**

- FOR
- AGAINST

Shall Article IV, Section 5 of the City Charter be amended to set a term limit of three (3) consecutive terms for Commissioner, a term limit of three (3) consecutive terms for Mayor and a term limit of five (5) consecutive terms for individuals who serve as both Commissioner and Mayor?

**XII.**

- FOR
- AGAINST

Shall Article IV, Section 6 of the City Charter be amended to establish that the Board of Commissioners shall fill a single vacancy on the Board by majority vote of a quorum of the remaining members of the Board within thirty (30) days of the occurrence of the vacancy, to establish that the Board of Commissioners will call a special election in the event that there are more than one vacancy on the Board at one time and to establish the timing for the special election?

**XIII.**

- FOR
- AGAINST

Shall Article IV, Section 7 of the City Charter be retitled Mayor Pro-Tem and amended to remove the language regarding the election of the Mayor by the Board of Commissioners and set out the procedures for the Board of Commissioners to elect and the duties of the Mayor Pro-Tem?

**XIV.**

- FOR
- AGAINST

Shall Article IV, Section 9 of the City Charter be amended to remove the language regarding compensation for members of the Board of Commissioners so that the members of the Board of Commissioners shall serve without compensation?

**XV.**

- FOR
- AGAINST

Shall Article IV, Section 12 of the City Charter be amended to remove language regarding the election of the Mayor by the Board of Commissioners and to remove language regarding the requirement that the Mayor sign all contracts and bonds and serve as chief executive officer for the city?

**XVI.**

- FOR
- AGAINST

Shall Article IV, Section 18(b) of the City Charter be amended to change the time of filling and posting notice of certain measures to seventy-two (72) hours to be consistent with the time set forth in the Texas Open Meetings Act for notice of meetings?

**XVII.**

- FOR
- AGAINST

Shall Article IV, Section 20 of the City Charter be amended to add language that an ordinance requiring publication in the official newspaper of the city will also be posted on the electronic version of that newspaper, if the newspaper has an electronic version of its paper?

**XVIII.**

- FOR
- AGAINST

Shall Article IV, Section 23 of the City Charter be amended to allow for an ordinance amending the Code of Ordinances or a city ordinance to include only the language that is being amended or added?

**XIX.**

- FOR
- AGAINST

Shall Article IV, Section 33 of the City Charter be amended to cause that the audit of the City books of accounts of each and every department, although continuous, shall be completed annually or in accordance with state law?

**XX.**

- FOR
- AGAINST

Shall Article IVa, Section 1 of the City Charter be amended to correct a typographical error changing the word “fall” to “fill”?

**XXI.**

- FOR
- AGAINST

Shall Article Iva, Section 2 of the City Charter be amended to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city?

**XXII.**

- FOR
- AGAINST

Shall Article IVa, Section 5 of the City Charter be amended to set a period of twenty (20) days for the City Clerk to certify a recall petition; to authorize the City Clerk to determine whether a recall petition is void, to set a period of fifteen (15) days for the person filing a recall petition to amend or supplement the petition to make it valid in the event a petition is declared void and set a period of ten (10) days for the City Clerk to review an amended or supplemental documentation for certification?

**XXIII.**

- FOR
- AGAINST

Shall Article IVb, Section 2(a) of the City Charter be amended to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city?

**XXIV.**

- FOR
- AGAINST

Shall Article IVb, Section 2(b) of the City Charter be amended to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city?

**XXV.**

- FOR
- AGAINST

Shall Article IVb, Section 3 of the City Charter be amended to remove the reference to the poll tax list and substitute “voter registration list” as the base for the calculation of the qualified voters of the city?

**XXVI.**

- FOR
- AGAINST

Shall Article V, Section 1 of the City Charter be amended to add language that the City will enter into an employment agreement with the individual who holds the position of City Manager?

**XXVII.**

- FOR
- AGAINST

Shall Article V, Section 2 of the City Charter be amended to require that the individual who is hired as City Manager and does not live within the City limits of the City of Burkburnett must move within the City limits within 90 days of employment as City Manager?

**XXVIII.**

- FOR
- AGAINST

Shall Article V, Section 5c of the City Charter be amended to remove the authority for the City Manager to dismiss employees who are not heads of departments?

**XXIX.**

- FOR
- AGAINST

Shall Article VIII, Section 1 of the City Charter be amended to remove language allowing an individual requesting a franchise to force an election and adding a reference to Chapter 311 of the Texas Transportation Code?

**XXX.**

- FOR

AGAINST

Shall Article VIII, Section 8 of the City Charter be amended, consistent with state law, so that the Board of Commissioners shall have a duty to order an election regarding a franchise ordinance when it receives a petition signed by 10% of the registered voters of Burkburnett?

**XXXI.**

FOR

AGAINST

Shall Article IX, Section 1 of the City Charter regarding the appointment of the City Tax Assessor-Collector be repealed?

**XXXII.**

FOR

AGAINST

Shall Article IX, Section 7B of the City Charter be amended to update the language regarding securing a tax warrant and to make reference to the applicable state law, Chapter 33 of the Texas Tax Code?

**XXXIII.**

FOR

AGAINST

Shall Article XIII, Section 7 be added to the City Charter to clarify that the use of masculine, feminine or neuter genders shall be interpreted to include the other genders and the use of either the singular or plural number shall be interpreted to include the other number, unless such an interpretation is inconsistent with a specific use of that gender or number?

#### **Section 4**

#### **POLLING PLACES**

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Carl Law, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk