

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on June 9, 2014 at 6:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Mike Whaley City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; and Ed Stahr, Chief of Police. Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC.

Item 3. The Pledge of Allegiance was led by Commissioner Ducos.

Item 4. Gordon Smith, Director of Public Works, addressed the Mayor and Commissioner and stated Josh Stimpson of J.S. Welding provided an application for final plat for Lot 1, Block 1 Stimpson 2nd Addition (Daniels Road adjacent to BDC Industrial Park) and site plan. Mr. Smith reported on June 2, 2014 the Planning and Zoning Board met and staff presented the final plat and site plan. The property is zoned industrial and meets the final plating requirements of 45 ft. front building line set back and 25 ft. side and rear setback. Mr. Smith stated the property does have a 70 ft. drainage easement to where no building permits will be issued in the easement. The Planning and Zoning Commission of the City of Burkburnett voted unanimously to recommend to the Board of Commissioners approval of the final plat, Lot 1 Block 1, Stimpson 2nd Addition and site plan for J.S. Welding.

Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve the final plat, Lot 1 Block 1, Stimpson 2nd Addition. Motion carried unanimously.

Item 5. Motion was made by Commissioner Love, seconded by Commissioner Hardy to approve the site plan for J.S. Welding. Motion carried unanimously.

Commissioner Brewster arrived at 6:15 p.m.

Item 6. Mike Guevara, City Attorney, Guevara, Decker & Arrott, PC, addressed the Mayor and Commissioners and reviewed the proposed 33 amendments to the Charter. Mr. Guevara stated many of the recommended amendments are aimed at correcting typographical errors and/or are simply “housekeeping measures”. Discussion was held on the fact that 33 proposals would be too much for many of the voters to address in one election.

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 1st Tuesday in November, being the 4th 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.

Consensus of the Board to have all proposed amendments with typographical corrections on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Consensus of the Board to have all proposed amendments with typographical corrections on the ballot.

IV.

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

Consensus of the Board to have this proposed amendments IV, V, and VI on the ballot.

V.

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

Consensus of the Board to have this proposed amendments IV, V, and VI on the ballot.

VI.

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

Consensus of the Board to have the proposed amendments IV, V, and VI on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot with the following change: To provide for the enforcement of all ordinances enacted by the city, by a fine not to exceed those set by state law.

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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Motion made by Commissioner Brewster, seconded by Commissioner Lindenborn to have an at large system instead of place system for the elections of Commissioners.

Ayes: Mayor Law; Commissioner Brewster

Nays: Commissioners Ducos, Hardy, Lindenborn, Love, and Tugman

Motion failed. This proposed amendment will be on the ballot.

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.”

Motion made by Commissioner Tugman, seconded by Commissioner Brewster to have the term limits for the Commissioners to remain the same. Motion carried unanimously. Proposed amendment will not be on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot with the following change: ...shall be filled within thirty (30) days of the occurrence of the vacancy by a vote of at least four (4) of the remaining members of the Board...

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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Motion made by Commissioner Tugman, seconded by Commissioner Brewster to remove this proposed amendment from the ballot. Motion carried unanimously.

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.”

Consensus of the Board to have this proposed amendment on the ballot with the following change:

*“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 sign all contracts entered into by the city and all bonds issued under the provisions of this Charter, and shall be the chief officer of the city.** 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 filling 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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.

Consensus of the Board to not have this proposed amendment on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot with the following changes: ...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,...~~

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.”

Consensus of the Board to have all proposed amendments with typographical corrections on the ballot.

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.

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to postpone including any proposed amendments regarding the substitution of voter registration list for poll tax list. Motion carried unanimously.

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 Burkburnett, 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.

Consensus of the Board to have this proposed amendment on the ballot.

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.”

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to postpone including any proposed amendments regarding the substitution of voter registration list for poll tax list. Motion carried unanimously.

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 Burkburnett, 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.”

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to postpone including any proposed amendments regarding the substitution of voter registration list for poll tax list. Motion carried unanimously.

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.”

Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to postpone including any proposed amendments regarding the substitution of voter registration list for poll tax list. Motion carried unanimously.

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.”

Consensus of the Board to not have this proposed amendment on the ballot.

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.”

Consensus of the Board to have this proposed amendment on the ballot with the addition of the following language: ... their appointment as City Manager to move within the City limits of the City of Burkburnett and will continue to reside within the City limits during his employment agreement.” Motion carried unanimously.

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);”

Motion made by Commissioner Tugman, seconded by Commissioner Ducos to change the proposed amendment to read as follows: The City Manager shall have the authority to hire and/or fire all employees of the City. Motion carried unanimously.

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.”

Motion made by Commissioner Tugman, seconded by Commissioner Ducos to not include the proposed amendments XXIX and XXX on the ballot. Motion carried unanimously.

XXX.

Amending Article VIII, Section 8 of the City Charter to change the language regarding calling a franchise election to be ordered 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.

Motion by Commissioner Tugman, seconded by Commissioner Ducos to not include the proposed amendments XXIX and XXX on the ballot. Motion carried unanimously.

XXXI.

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

Consensus of the Board to not have this proposed amendment on the ballot.

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.”

Consensus of the Board to not have this proposed amendment on the ballot.

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.”

Consensus of the Board to not have this proposed amendment on the ballot.

Item 7. City Manager Comments.

Item 8. Commissioner Comments.

Item 9. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk