

**MINUTES**

**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on May 18, 2015 at 6:45 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; Ed Stahr, Chief of Police; and Mike Guevara, City Attorney, Shahan, Guevara, Decker, Arrott, Attorneys at Law.

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

Item 2. The Commissioners canvassed the election returns for the Municipal Election held on May 9, 2015.

Item 3. Resolution Number 585 was presented in its entirety.

**RESOLUTION NUMBER 585  
RESOLUTION CANVASSING ELECTION RETURNS**

On this the 18<sup>th</sup> day of May 2015, the City Commissioners of the City of Burkburnett, Texas convened in a special session open to the public at the regular meeting place thereof with the following members present, to wit:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro Tem
Randy Brewster	Commissioner
Frank Ducos	Commissioner

Don Hardy                      Commissioner  
Marguerite Love              Commissioner  
Michael Tugman                Commissioner

Mike Whaley                  City Manager  
Janelle Dolan                  City Clerk

There came to be considered the returns of an election held on the 9<sup>th</sup> day of May, 2015 for the purpose of electing the herein after named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 667 valid and legal votes (435 Early and 232 Election Day); that each of the candidates in said election received the following votes:

	Early	Election Day	Mail	Total
Theophile "Ted" Kwas	164	88	0	252
Randy Brewster	268	145	0	413
Carl Law	267	138	0	405
Bill Lindborn	279	153	0	432

Therefore, be it resolved by the Board of Commissioners of the City of Burkburnett, Texas that said election was duly called, that said notice of election was given in accordance with law, and the election was held in accordance with law, and that Randy Brewster, Bill Lindborn and Carl Law were duly elected Commissioners of said City at said election.

Said above named parties are hereby declared duly elected to said respective offices, subject to the taking of their oaths as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body, the City Clerk posted written notice of the date, place and subject of this meeting on the glass front door facing the outside located in the City Hall, a place convenient and readily accessible to the General Public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of meeting.

Passed and approved this 18<sup>th</sup> day of May 2015.

**ATTEST:**

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Carl Law, Mayor

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Janelle Dolan, City Clerk

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve Resolution Number 585 as read. Motion carried unanimously.

Item 4. Ordinance Number 875 was presented in its entirety.

*Minutes, May 18, 2015*

**ORDINANCE NUMBER 875**

AN ORDINANCE CANVASSING THE ELECTION RETURNS OF THE SPECIAL CALLED ELECTION HELD IN THE CITY OF BURKBURNETT, TEXAS, ON MAY 9, 2015.

**WHEREAS**, the Board of Commissioners of the City of Burkburnett, Texas has heretofore called for a Special Called Election to be held in said City on May 9, 2015 to amend the City Charter; and

**WHEREAS**, said Board of Commissioners has investigated all matters pertaining to said election, including the ordering, giving notice, appointing of officers, holding and making returns of said election; and

**WHEREAS**, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to said Board of Commissioners; and

**WHEREAS**, there came to be considered the returns of a special called election held on the 9<sup>th</sup> day of May, 2015 for the purpose of amending the City Charter, and it appears from said returns, duly and legally made, that there were cast at said election 667 valid and legal votes (435 Early and 232 Election Day)\_valid and legal votes; and

**WHEREAS**, after canvassing the returns of said election pertaining to the propositions hereinafter described, it was found to be duly and legally held in all respects, and

That 614 voters voted in said election with respect to Charter Amendment I as follows:

**CHARTER AMENDMENT I.**

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

	Early	Election	Total
For	<u>361</u>	<u>193</u>	<u>554</u> Votes
Against	<u>39</u>	<u>21</u>	<u>60</u> Votes;

That 601 voters voted in said election with respect to Charter Amendment II as follows:

**CHARTER AMENDMENT II.**

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

	Early	Election	Total
For	<u>298</u>	<u>162</u>	<u>460</u> Votes
Against	<u>87</u>	<u>54</u>	<u>141</u> Votes;

That 578 voters voted in said election with respect to Charter Amendment III as follows:

**CHARTER AMENDMENT III.**

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

	Early	Election	Total
For	<u>344</u>	<u>192</u>	<u>536</u> Votes
Against	<u>28</u>	<u>14</u>	<u>42</u> Votes;

That 566 voters voted in said election with respect to Charter Amendment IV as follows:

**CHARTER AMENDMENT IV.**

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

	Early	Election	Total
For	<u>252</u>	<u>120</u>	<u>372</u> Votes
Against	<u>114</u>	<u>80</u>	<u>194</u> Votes;

That 558 voters voted in said election with respect to Charter Amendment V as follows:

**CHARTER AMENDMENT V.**

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

	Early	Election	Total
For	<u>232</u>	<u>120</u>	<u>352</u> Votes
Against	<u>127</u>	<u>79</u>	<u>206</u> Votes;

That 562 voters voted in said election with respect to Charter Amendment VI as follows:

**CHARTER AMENDMENT VI.**

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

	Early	Election	Total
For	<u>248</u>	<u>126</u>	<u>374</u> Votes
Against	<u>114</u>	<u>74</u>	<u>188</u> Votes;

That 573 voters voted in said election with respect to Charter Amendment VII as follows:

**CHARTER AMENDMENT VII.**

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 and to allow for an increase in fines as allowed by state law?

	Early	Election	Total
For	<u>244</u>	<u>114</u>	<u>358</u> Votes
Against	<u>122</u>	<u>93</u>	<u>215</u> Votes;

That 523 voters voted in said election with respect to Charter Amendment VIII as follows:

**CHARTER AMENDMENT VIII.**

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?

	Early	Election	Total
For	<u>242</u>	<u>132</u>	<u>374</u> Votes
Against	<u>96</u>	<u>53</u>	<u>149</u> Votes;

That 563 voters voted in said election with respect to Charter Amendment IX as follows:

**CHARTER AMENDMENT IX.**

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?

	Early	Election	Total
For	<u>319</u>	<u>177</u>	<u>496</u> Votes
Against	<u>44</u>	<u>23</u>	<u>67</u> Votes;

That 549 voters voted in said election with respect to Charter Amendment X as follows:

**CHARTER AMENDMENT X.**

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?

	Early	Election	Total
For	<u>289</u>	<u>152</u>	<u>441</u> Votes
Against	<u>63</u>	<u>45</u>	<u>108</u> Votes;

That 572 voters voted in said election with respect to Charter Amendment XI as follows:

**CHARTER AMENDMENT XI.**

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 shall be completed annually or in accordance with state law and allow the audit to be completed by a resident of the City?

	Early	Election	Total
For	<u>272</u>	<u>135</u>	<u>407</u> Votes
Against	<u>96</u>	<u>69</u>	<u>165</u> Votes;

That 579 voters voted in said election with respect to Charter Amendment XII as follows:

**CHARTER AMENDMENT XII.**

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

	Early	Election	Total
For	<u>341</u>	<u>195</u>	<u>536</u> Votes
Against	<u>31</u>	<u>12</u>	<u>43</u> Votes;

That 550 voters voted in said election with respect to Charter Amendment XIII as follows:

**CHARTER AMENDMENT XIII.**

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?

	Early	Election	Total
For	<u>303</u>	<u>168</u>	<u>471</u> Votes
Against	<u>50</u>	<u>29</u>	<u>79</u> Votes;

That 589 voters voted in said election with respect to Charter Amendment XIV as follows:

**CHARTER AMENDMENT XIV.**

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 and reside in the City limits during the term of employment as City Manager?

	Early	Election	Total
For	<u>356</u>	<u>189</u>	<u>545</u> Votes
Against	<u>23</u>	<u>21</u>	<u>44</u> Votes;

That 578 voters voted in said election with respect to Charter Amendment XV as follows:

**CHARTER AMENDMENT XV.**

Shall Article V, Section 5c of the City Charter be amended to authorize the City Manager to appoint and remove all other City employees?

	Early	Election	Total
For	<u>193</u>	<u>72</u>	<u>265</u> Votes
Against	<u>178</u>	<u>135</u>	<u>313</u> Votes;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:**

**SECTION 1.** The Board of Commissioners finds that said election was in all respects legally held in accordance with the laws of the State of Texas and the Charter and the Ordinances of the City of Burkburnett.

**SECTION 2.** The Board of Commissioners hereby declares that Charter Amendments I, II, III, IV, V, VI, VII, VIII, VIV, X, XI, XII, XIII, and XIV which were submitted to the voters in this election have been approved by a majority of the voters who voted in said election and are hereby adopted effective on the date of this ordinance but subject to the

following: These amendments shall not be enforced until receipt by the City of Burkburnett, Texas of a letter from the United States Department of Justice stating that it does not interpose any objection to these amendments pursuant to the Voting Rights Act of 1965. Upon receipt of such letter the City Clerk is hereby directed to attach a copy of such letter to this ordinance on file in the official records of the City of Burkburnett, Texas.

**SECTION 3.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law.

**SECTION 4.** The immediate need for implementation of this ordinance creates an emergency requiring the action in this ordinance to become effective immediately from and after its passage thereby suspending the need for additional readings of this ordinance.

**PASSED AND APPROVED** this 18<sup>th</sup> day of May 2015.

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Carl Law, Mayor

**ATTEST:**

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Janelle Dolan, City Clerk

Motion was made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 875 as read. Motion carried unanimously.

Item 5. The Oath of Office was administered to Randy Brewster, Carl Law, and Bill Lindenborn by City Clerk/Public Notary Janelle Dolan.

Item 6. Janelle Dolan, City Clerk, opened the floor for Election of Mayor for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Tugman nominated Commissioner Carl Law, seconded by Commissioner Brewster.

Motion carried unanimously to elect Carl Law as Mayor for the next ensuing year.

Item 7. Janelle Dolan, City Clerk, opened the floor for Election of Mayor Pro-Tem for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Tugman nominated Commissioner Lindenborn, seconded by Commissioner Hardy.

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Motion carried unanimously to elect Bill Lindenborn as Mayor Pro-Tem for the next ensuing year.

Item 8. No City Manager Comments.

Item 9. No Commissioner Comments.

Item 10. Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk