

ORDINANCE NUMBER 1089

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CITY OF BURKBURNETT CODE OF ORDINANCES, TITLE III: "ADMINISTRATION", CHAPTER 36 "CITY COMMISSIONERS", "GENERAL RULES OF PROCEDURE"; §36.22 "MEETINGS SHALL BE PUBLIC"; §36.25 "EMERGENCY MEETINGS"; §36.45 "AGENDA"; AND §36.48 "MINUTES OF PREVIOUS MEETING"; PROVIDING AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SPECIFYING THE EFFECTIVE DATE.

WHEREAS, the City of Burkburnett (the "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, the Board of Commissioners finds that the City of Burkburnett shall comply with the Texas Open Meetings Act (the "Act") and recent legislative changes to the Act; and

WHEREAS, the Board of Commissioners finds that the Texas Government Code Section 551.043 has been revised in the recent legislative session, and the revision is effective September 1, 2025, wherein the time period for posting meeting notices has been expanded to three business days, and therefore the Commissioners desire to revise the Code of Ordinances to comport with state law.

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

SECTION 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Amendment. The City of Burkburnett Board of Commissioners hereby amends City of Burkburnett Code of Ordinances, Title III "Administration," Chapter 36 "City Commissioners", §36.22 "Meetings Shall Be Public". The provision is to be revised as follows:

§ 36.22 MEETINGS SHALL BE PUBLIC.

All meetings of the City Commissioners shall be public, and notices thereof shall be posted as provided for under the Government Code Sec. 551.143 (the Texas Open Meetings Act), as amended. Except in the case of an emergency meeting, all members shall be given notice as set out in the Texas Open Meetings Act.

SECTION 3. Amendment. The City of Burkburnett Board of Commissioners hereby amends City of Burkburnett Code of Ordinances, Title III "Administration," Chapter 36 "City Commissioners", § 36.25 "Emergency Meetings". The provision is to be revised as follows:

§ 36.25 EMERGENCY MEETINGS.

In case of an emergency or urgent public necessity, which shall be expressed in the notice, as set out in the Texas Open Meetings Act, as amended, it shall be sufficient if members receive and notice is posted two one hours before the meeting is convened.

SECTION 4. Amendment. The City of Burkburnett Board of Commissioners hereby amends City of Burkburnett Code of Ordinances, Title III “Administration,” Chapter 36 “City Commissioners”, § 36.45 “Agenda”. The provision is to be revised as follows:

§ 36.45 AGENDA.

(A) The Mayor, City Manager, Assistant City Manager or his/her designee shall prepare an agenda and shall cause the same to be posted 3 business days prior to a meeting, as set out in the Texas Open Meetings Act, as amended, and to be delivered to members of the Council. No items shall be included in the agenda unless a request to include the same has been made to the City Manager or City Clerk on or before 12:00 noon on the Monday preceding a Monday meeting. In the event of an emergency meeting of the Commissioners, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the Charter of the City of Burkburnett.

(B) In order to facilitate the agenda process, any Commissioner may place an item on the agenda. The Commissioner requesting the agenda item will be responsible for the preparation of an appropriate Agenda Item Cover Sheet and any background information necessary for the presentation at the meeting. Any staff assistance, if required, should be requested through the City Manager's office. Agenda items must be provided to the City Clerk's office at City Hall by 12:00 noon on the Monday preceding the Monday meeting.

SECTION 5. Amendment. The City of Burkburnett Board of Commissioners hereby amends City of Burkburnett Code of Ordinances, Title III “Administration,” Chapter 36 “City Commissioners”, § 36.48 “Minutes of Previous Meeting”. The provision is to be revised as follows:

§ 36.48 MEETINGS OF PREVIOUS MEETING.

The City Clerk shall be directed to have prepared and submitted to the Commissioners no later than Tuesday preceding a regular Monday meeting, the minutes of the last meeting of Commissioners.

SECTION 6. This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances, or parts thereof, in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance.

SECTION 7. In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable, or illegal, such invalidity, unenforceability, or illegality shall not affect the validity, enforcement, or legality of the remaining portions of this Ordinance.

SECTION 8. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that notice of the time, place, and purpose of said meeting was given.

SECTION 9. That this Ordinance shall take effect on September 1, 2025.

PASSED AND APPROVED ON THIS 18TH DAY OF AUGUST 2025.

Lori Kemp, Mayor

ATTEST:

Nikki Tepfer, City Clerk