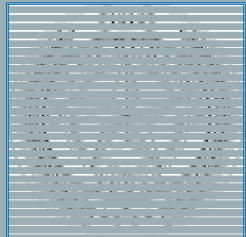


CITY CHARTER AMENDMENTS MAY ELECTION ORDER

City Secretary Amanda Campos

Questions: elections@burlesontx.com



PROPOSITION A

Shall the Burlison Home Rule Charter be amended to require that the mayor pro tem shall be elected each year by August 31st, and to clarify that in the event of a vacancy in the office of the mayor, the mayor pro tem serves until a new mayor is qualified, by revising Section 22(b)?

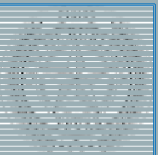
Sec. 22. Mayor; mayor pro tem. ¶

¶

(a) *Duties of mayor.* The mayor presides at meetings of the city council and, except in cases involving conflict of interests, must vote upon all items voted on by the city council, but has no veto power. The mayor is the recognized head of the city government for all ceremonial purposes and by the governor for purposes of military law, but has no regular administrative duties. ¶

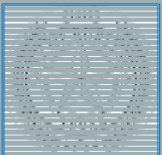
¶

(b) *Mayor pro tem.* The city council shall elect each year at ~~the first~~ a regular meeting by August 31st in July from among its members, a mayor pro tem, who shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs in the mayor's place, shall become mayor until the new Mayor is duly qualified next general election. ¶



PROPOSITION B

Shall the Burleson Home Rule Charter be amended to delete the local application requirements for a place on the ballot for city council and thereby allow state application requirements for a place on the ballot to control, by revising Subsection 94(a) and deleting Subsection 94(b)?



City Secretary's Office

Sec. 94. How to get name on ballot.

¶

(a) *Application.* A person who meets the qualifications to serve on the city council as described in Section 20, may have his or her name placed on the official ballot as a candidate for mayor or councilmember at any election held for the purpose of electing a mayor or councilmember, by filing with the city secretary all required state applications, ~~and a sworn application in substantially the following form: "I, _____, declare that I am a candidate for the office of (Mayor) (Councilmember of Place No. _____) and request that my name be printed on the official ballot for that office in the next city election. I am: ¶~~

¶

~~(1) at least 18 years of age as of the date of this application; ¶~~

¶

~~(2) a citizen of the United States; ¶~~

~~(3) a qualified voter of the city (which in this charter shall mean a person who is registered to vote by the State of Texas, whose registration is effective in the City of Burleson); ¶~~

¶

~~(4) a resident of the city and have resided in the city for at least one year immediately preceding the date of the election; ¶~~

¶

~~(5) not delinquent in the payment of taxes due the city; and ¶~~

¶

~~(6) not otherwise disqualified from serving on the city council by any other provision of law.* ¶~~

¶

~~"I reside at: daterule,, Burleson, Texas. ¶~~

¶

~~_____. ¶~~

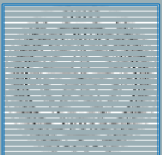
~~(Signature of Candidate)". ¶~~

¶

~~(b) *Failure to meet qualifications.* If an applicant fails to meet any of the qualifications specified in Section 20 of this Charter or qualifications set out in State Law to hold public office, the city secretary shall not place the applicant's name on the ballot. ¶~~

PROPOSITION C

Shall the Burlison Home Rule Charter be amended to establish parameters for the prohibition of the city council, city manager, city secretary deputy city manager, department heads or a deputy department head to contract with, or sell materials, supplies or services to the city, by revising Section 132?



City Secretary's Office

Sec. 132. Personal interest.

(a) ~~Prohibition.~~ The ~~city council, city manager, deputy city manager, city secretary, a~~ department heads, ~~or deputy department heads, or any other employee~~ of the city shall not:

(1) ~~have a~~ substantial financial interest, ~~direct or indirect,~~ in any contract with the city; or

(2) ~~be substantially financially interested directly or indirectly~~ in the sale to the city of any land, materials, supplies or services, ~~except as provided by subsection 132(d) below.~~

(b) ~~Substantial Financial interest.~~ For the purposes of this section, ~~a person has a financial interest in a corporation when the stock owned by the person exceeds one percent of the total capital stock of the corporation. a substantial interest is established when:~~

(1) → ~~the official owns 10% or more of the total voting stock or shares of the business entity;~~

(2) → ~~the official owns either 10% or more, or \$15,000 or more, of the fair market value of the business entity;~~

(3) → ~~the official received more than 10% of his gross income for the previous year from the business entity; or~~

(4) → ~~a relative of the official within the second degree by consanguinity or affinity has any of the preceding interests.~~

(c) ~~The prohibitions in this section shall become effective as applied to any currently sitting council member after June 1, 2021.~~

(d) ~~The prohibitions in this section shall not apply to the acquisition of easements or right-of-way for public purpose when fair market value is established and paid for the acquisition.~~

(e) ~~Violation.~~ A willful violation of this section constitutes malfeasance in office and an officer or employee who violates this section forfeits the office or position held. Any violation of this section with the knowledge of the person or corporation contracting with the city renders the contract voidable by the city manager or city council.

PROPOSITION D

Shall the Burluson Home Rule Charter be revised to clarify the prohibition of council persons or employees accepting gifts, by revising Section 133?

Sec. 133. No officer or employee to accept gifts. ¶

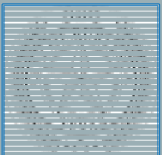
¶

1. → (a) *Prohibition.* During the term of office of a member of the city council or while employed with the city, except as may be authorized by state law or ordinance, a member of the city council, an officer or employee of the city shall not accept ~~directly or indirectly~~ a ~~non de minimus~~ gift, favor, benefit, nor employment from any corporation, contractor, or franchisee who conducts business with the city, or a person the officer or employee knows to be subject to regulation, inspection, or investigation by the officer, employee, or his agency. ¶

¶

(b) *Violation.* Any officer or employee of the city who violates the provisions of this section is guilty of a misdemeanor and may be punished by a fine that may be prescribed by ordinance for this offense, and upon conviction by a court of competent jurisdiction shall immediately ~~forfeit be removed from office~~ or employment. ¶

¶



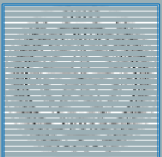
PROPOSITION E

Shall the Burlison Home Rule Charter be amended to revise the nepotism provision to include the planning and zoning commission, and the zoning board of adjustments and provide exceptions consistent with state law, by revising Section 134?

Sec. 134. Relatives of officers shall not be appointed or employed.

¶

A person who is related within the second degree of affinity or within the third degree of consanguinity to a member of the city council or to the city manager shall not be appointed to any compensated office, position, or service with the city ~~or to the Zoning Board of Adjustment or the Planning and Zoning Commission.~~ This prohibition does not affect an officer or employee related to a councilmember or the city manager within the named degree, who is already serving or employed by the city for 30 days prior to an appointed position and 6 months prior to an elected position, from at the time when the member of the city council or the city manager takes office. ¶



PROPOSITION F

Shall the Burleson Home Rule Charter be amended to make non-substantive grammatical corrections and clarifications and to delete redundant or moot provisions by revising or deleting Sections 9, 20, 23(c), 25, 26, 33, 34, 41, 79, 95, 111, 113, 114, 116, and 117?

Sec. 9. Zoning and appeals. ¶

¶
(a) ⁰⁰⁰Zoning. ° The city council has the authority to zone the city and to pass necessary ordinances and regulations to implement zoning in accordance with state law. ° ¶

¶
(b) ⁰⁰⁰Board of adjustment. ° The city council shall create a board of adjustment as provided by state law which shall ~~have the power and authority to perform those functions established in the zoning ordinance and by state law hear appeals from administrative decisions concerning the zoning ordinance, decide applications for variances, and perform other functions assigned by ordinance.~~ ° ¶

Sec. 20. Qualifications; forfeiture. ¶

¶
(a) ~~Qualifications required.~~ The mayor and ~~each councilmember~~ ~~other councilmembers~~ shall meet the following qualifications: ¶

¶
(1) at least 18 years of age on the date application is made for a place on the ballot; ¶

¶
(2) a citizen of the United States; ¶

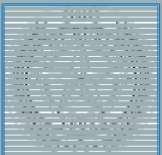
¶
(3) a qualified voter of the city (which in this charter shall mean a person who is registered to vote by the State of Texas, whose registration is effective in the City of Burleson); ¶

¶
(4) have been a resident of the city on the date of the election, for at least 12 months immediately preceding the date of the election; ¶

¶
(5) not delinquent in the payment of taxes due the city; and ¶

¶
(6) not disqualified by reason of any other provision of law. ¶

¶
(b) ~~Qualifications must be maintained.~~ A ~~member of the council~~ ~~councilmember~~ who becomes disqualified during a term of office immediately forfeits the office held, and the city council shall proceed to fill the vacancy in accordance with Section 23 of this Charter. ¶



PROPOSITION F

Shall the Burleson Home Rule Charter be amended to make non-substantive grammatical corrections and clarifications and to delete redundant or moot provisions by revising or deleting Sections 9, 20, 23(c), 25, 26, 33, 34, 41, 79, 95, 111, 113, 114, 116, and 117?

Sec. 23. Vacancies. ¶

¶
(a) In the event a vacancy occurs in the office of mayor or city council, the vacancy shall be filled in accordance with this section. ¶

¶
(b) Except as provided herein a vacancy on the city council for an office with a three-year term must be filled by a special election held in accordance with the requirements of the Texas Constitution. In the event a vacancy occurs on the council for unexpired term of 12 months or less the council may call a special election to fill the vacancy, or by majority vote of the council, appoint a replacement to fill the vacancy, if permitted by the Texas Constitution. ¶

¶
~~(c) Vacancies on the city council for offices with two year terms shall be filled as provided by this subsection. In the event there is one vacancy on the city council, the city council may call a special election or by a majority vote of all remaining members appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the city council shall call a special election, unless appointment is required to achieve a quorum. ¶~~

Sec. 25. City manager. ¶

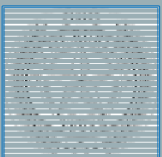
¶
(a) *Appointment; salary.* The city council appoints the city manager who is an officer of the city, and has the powers and performs the duties provided in this Charter. The salary of the city manager is fixed by the city council. ¶

¶
(b) *Councilmember ineligible.* The mayor or another councilmember shall not be appointed as city manager during the term for which the mayor or councilmember was elected or within two years after the expiration of the last term the mayor or councilmember served. ¶

¶
(c) *Employment at will.* The city manager holds office at the will and pleasure of the city council. ¶

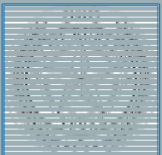
¶
(d) *Removal.* The action of the city council in suspending or removing the city manager is final. ¶

¶
(e) *Absence.* During an extended absence or disability of the city manager, the city council shall designate a qualified person to perform the duties of the office. ¶



PROPOSITION F

Shall the Burluson Home Rule Charter be amended to make non-substantive grammatical corrections and clarifications and to delete redundant or moot provisions by revising or deleting Sections 9, 20, 23(c), 25, 26, 33, 34, 41, 79, 95, 111, 113, 114, 116, and 117?



City Secretary's Office

Sec. 26. Employees; department heads. ¶

¶
(a) *Appointment and removal.* Neither the city council nor any ~~member of the city council councilmember~~ shall direct the appointment of any person to or removal from an office or position by the city manager or the city manager's subordinates. ¶

¶
(b) *Dealings with city manager.* Except for the purpose of inquiry, the city council and its members shall deal with the operations of the city solely through the city manager and neither the city council nor any ~~member of the city council councilmember~~ shall give orders to a subordinate of the city manager, either publicly or privately. ¶

Sec. 33. City council to judge qualifications of its members; voting. ¶

¶
(a) *Judging qualifications.* The city council is the judge of the election and qualifications of its members, and for this purpose has the power to subpoena witnesses and require the production of records. The decision of the city council is subject to review by the courts. ¶

¶
(b) *Voting; conflict of interests.* Except on items involving a conflict of interests, councilmembers must vote on all items voted on by the city council. The city council itself, may by a three-fourths ~~majority~~ vote of the members present, determine that a member has a conflict of interests over the member's objection. If the city council considers whether more than one member has a conflict of interests, each shall be voted on separately. ¶

Sec. 34. Rules of procedure; record. ¶

¶
(a) *Rules of procedure.* The city council shall determine its own rules and order of business. It shall keep an indexed record of its proceedings, and the record shall be open to public inspection. The upcoming agenda of all meetings shall be posted prior to the meeting in accordance with state law. After each meeting a summary of the minutes and the vote of each councilmember on each item shall also be posted. ¶

¶
(b) *Votes.* The affirmative vote of at least four (4) of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution, ~~except as provided in subsection (c).~~ ¶

¶
(c) In the event of an emergency or disaster when four (4) or more members of the council are incapacitated, the remaining members shall constitute a quorum. ¶

PROPOSITION F

Shall the Burlison Home Rule Charter be amended to make non-substantive grammatical corrections and clarifications and to delete redundant or moot provisions by revising or deleting Sections 9, 20, 23(c), 25, 26, 33, 34, 41, 79, 95, 111, 113, 114, 116, and 117?

Sec. 41. Powers and duties.¶

¶

The city manager is the chief executive officer and head of the administrative branch of the city government. The city manager is ~~accountable~~ ~~responsible~~ to the city council for the proper administration of all city affairs, and to that end has power and is required personally or through delegation to:¶

Sec. 79. Borrowing in anticipation of other revenues.¶

¶

Within a fiscal year, in anticipation of the collection or receipt of other revenues of that budget year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city. A note issued pursuant to this section shall be designated as "special revenue note for the year _____" (stating the budget year). These notes may be renewed from time to time, but shall mature and be payable not later than the end of the fiscal year in which the original notes were issued.¶

Sec. 95. Election of the city council.¶

¶

(a) *Majority vote required.* At an election for mayor or city councilmember, the candidate who receives the majority of the number of votes cast in the election for each office to be filled, is elected.¶

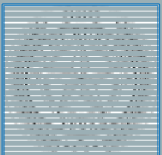
¶

(b) *Runoff elections.* If no candidate receives a majority of city council votes cast for mayor or particular place number at an election, then the council shall order a runoff election to be held in accordance with state law.¶

Sec. 111. Recall; general.¶

¶

~~The mayor and council members of the city council and the mayor,~~ are subject to recall and removal from office by the qualified voters of the city.¶



PROPOSITION F

Shall the Burluson Home Rule Charter be amended to make non-substantive grammatical corrections and clarifications and to delete redundant or moot provisions by revising or deleting Sections 9, 20, 23(c), 25, 26, 33, 34, 41, 79, 95, 111, 113, 114, 116, and 117?

Sec. 113. Recall; petitions.¶

¶
(a) *Return of petition.* To be effective, a recall petition must be returned and filed with the city secretary within 30 days after the filing of the affidavit required in Section 112 of this Charter and the issuance of the first petition form. The petition must be signed by qualified voters of the city equal in number to at least 30 percent of the total number of votes cast at the last general city election at which the elected official councilmember or mayor sought to be recalled was elected, or equal to 5 percent of the registered voters, whichever is greater. ¶

Sec. 114. Recall election.¶

¶
(a) *Examination of petition.* When a recall petition is filed, the city secretary shall within 15 business days validate the petition. If the city secretary finds that the petition is sufficient and in compliance with the provisions of this Charter and state law, the city secretary shall within five days of making the finding, notify (in writing) the official sought to be recalled and submit the petition to the city council with a certificate of the petition's validity. ¶

¶
(b) *Order of election.* If the elected official whose removal is sought does not resign within five days after receiving the notice, the city council shall order a recall election to be held on the next state uniform election date that is at least 30 days after the date the city council orders the election. ¶

Sec. 116. Results of recall election.¶

¶
If a majority of the voters at a recall election vote "No", the elected official shall continue in office for the remainder of the unexpired term, subject to recall as before. If a majority of the voters at the election vote "Yes", the official is removed from office, regardless of any technical defects in the recall petition, and the vacancy shall be filled by the city council as in the case of other vacancies. If there is a tie vote, the recall fails. ¶

¶

Sec. 117. Limitation on recalls.¶

¶
A recall petition shall not be filed against an elected official within six months after the official takes office nor within six months after an unsuccessful election held pursuant to a petition to recall the official. ¶

