

ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF BURLESON SPECIAL ELECTION, SATURDAY, MAY 4, 2019, FOR THE PURPOSE OF AMENDING THE CITY CHARTER; ENTERING AN ORDER IN THE RECORDS THAT THE CHARTER AMENDMENTS ARE ADOPTED; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, this City Council by Ordinance CSO#972-02-2019 did order a special election be held for the purpose of amending the Home Rule Charter of the City of Burleson; and

WHEREAS, said City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and

WHEREAS, the election officers who held said election have duly examined the returns of the results thereof, and said returns have been duly delivered to said City Council; and

WHEREAS, the City Council desire to canvass the returns and declare the results of the special election held on May 4, 2019;

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

SECTION 1. The City Council finds and declares that the May 4, 2019 special election to amend the City Charter was duly ordered for the purpose of submitting six (6) propositions to the citizens of the City for amendments to the City Charter; that proper notice of this elections was duly given and election officials appointed; and that the returns of the election officials have been delivered to the City Council, all in accordance with the laws of the State of Texas and the City Charter and ordinances of the City of Burleson.

SECTION 2. The official returns of the election officials having been opened, examined, and canvassed, the City Council hereby finds and declares that 687 ballots were cast at the election, and that the votes cast for each proposition on the ballot for the City Charter election were as follows:

PROPOSITION A: Shall the Burleson 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)?

Passed with 644 votes for and 40 votes against

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)?

Passed with 536 votes for and 144 votes against.

PROPOSITION C: Shall the Burleson 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?

Passed with 630 votes for and 55 votes against.

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

Passed with 648 for and 36 votes against.

PROPOSITION E: Shall the Burleson 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?

Passed with 649 for and 33 votes against.

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?

Passed with 629 votes for and 47 votes against.

SECTION 3. The City Council finds and declares that Propositions A, B, C, D, E, and F were passed and the City Charter is hereby amended in accordance with Propositions A, B, C, D, E, and F.

SECTION 4. In accordance with Texas Local Government Code § 9.005, this Ordinance shall constitute an order that Propositions A, B, C, D, E, and F and all the amendments therein referenced being Propositions A, B, C, D, E, and F set forth in Section 1 of a conformed version of Ordinance CSO#972-02-2019, showing all amendments, which is incorporated herein and made a part hereof for all purposes, are adopted and have been approved by a majority of the qualified voters of the City of Burleson who voted at the election to consider the propositions to amend the City Charter. The City Secretary is hereby directed to enter a full and correct copy of this Ordinance and Ordinance CSO#972-02-2019 into the official minutes of this meeting and it shall become an official record of the City of Burleson.

SECTION 5. The City Secretary is hereby directed to send to the Texas Secretary of State a certified copy of Ordinance CSO#972-02-2019 along with a certified copy of this Ordinance canvassing this election, and a certified copy of the amended City Charter in accordance with Texas Local Government Code § 9.007.

SECTION 6. The City Secretary is hereby directed to record in the City Secretary's Office the City Charter amendments adopted by the voters of the City, and to provide a conformed version of the City Charter with the amendments to be available to all members of the public in accordance with Texas Local Government Code § 9.008.

SECTION 7. The City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act and that a quorum of the City Council was present.

SECTION 8. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED ON THIS 13th DAY OF MAY, 2019.



Mayor, Ken Shetter

ATTEST:

City Secretary, Amanda Campos

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY
DEPUTY