

**CHARTER**  
CITY OF  
**BURLESON, TEXAS**

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Published by Order of the City Council

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**\*Editor's note**—Printed herein is the city's Charter, originally as adopted by the election held on April 5, 1969, which included sections 1—150, and all amendments adopted by the citizens of Burleson on April 6, 1974, August 13, 1977, August 9, 1980, August 14, 1982, May 2, 1998, and November 5, 2013. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter.

**State law reference**—Adoption and amendment of Home Rule Charter, V.T.C.A., Local Government Code § 9.001 et seq.

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**ARTICLE I. INCORPORATION; FORM OF GOVERNMENT**

**Sec. 1. Incorporation.**

The inhabitants within the corporate boundaries of the City of Burleson shall continue to be a corporate municipal body politic in perpetuity, under the name of the "City of Burleson," referred to in this Charter as "the city."  
(El. of 5-2-1998)

**Sec. 2. Form of government.**

The municipal government established by this Charter is the "council-manager form of government." Subject only to the limitations imposed by the state constitution and law and by this Charter, all powers of the city, as described in Article II, are vested in an elected city council. All powers of the city shall be exercised in the manner prescribed in this Charter, or if the manner is not prescribed, then in the manner prescribed by ordinance.  
(El. of 5-2-1998)

**Sec. 3. Boundaries.**

The boundaries of the city are those previously established and as may be amended from time to time. The official map of the city shall be kept in the office of the city secretary, and shall be revised to reflect the city's boundaries each time the boundary of the city is changed.  
(El. of 5-2-1998)

**ARTICLE II. CORPORATE AND GENERAL POWERS**

**Sec. 4. Powers of the city.**

The city shall have the powers granted to municipal corporations by the constitution and laws of the State of Texas, including the implied powers necessary to execute the powers granted. The specific mention of a particular power shall not be construed as limiting in any way the general powers granted herein. These powers include, but are not limited to:

- (1) the acquisition of property inside or outside the city for any municipal purpose;

- (2) the sale, lease, management, and control of city property as the best interests of the city require;
- (3) the establishment and use of a corporate seal;
- (4) the right to sue and be sued in the courts (provided this right is not a waiver of sovereign immunity, and shall never be so construed);
- (5) the right to enter into contracts;
- (6) the right to cooperate with state, federal, and other local governments to accomplish any lawful purpose in the best interest of the city and its inhabitants; and
- (7) the adoption of ordinances for maintaining and promoting the peace and welfare of the city and for executing the functions of government.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Home rule powers generally, V.T.C.A., Local Government Code § 51.071 et seq.

**Sec. 5. Boundary changes.**

The City Council may by ordinance, resolution or agreement with adjoining cities fix the boundaries in compliance with state law. The City Council may exchange territory with other cities and towns and disannex territory and annex territory. Residents of annexed territory shall be entitled to all rights and privileges of citizens who reside in the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

(El. of 5-2-1998; El. of 11-5-2013)

**Secs. 6—7A. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 6—7A of the Charter which pertained to annexation upon initiative of the city council, annexation under state law; effect of annexation, and effect of annexation, respectively, and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 8. Eminent domain.**

The city has the power of eminent domain to take private and public property, in or outside the city, for any public purpose, when necessary or desirable to carry out the powers conferred upon

the city by this Charter or state law. This power of eminent domain includes the right of the city to take full title or an easement in land.

(El. of 5-2-1998)

**State law reference**—Right of eminent domain, V.T.C.A., Local Government Code § 251.001 et seq.

### **Sec. 9. Zoning and appeals.**

(a) *Zoning.* 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) *Board of adjustment.* The city council shall create a board of adjustment as provided by state law which shall hear appeals from administrative decisions concerning the zoning ordinance, decide applications for variances, and perform other functions assigned by ordinance.

(El. of 5-2-1998)

**State law reference**—Zoning, V.T.C.A., Local Government Code § 211.001 et seq.

### **Sec. 10. Establishment and maintenance of streets and other public places.**

The city has the inalienable power to establish, lay out, open, close, abandon, maintain, improve, regulate, and supervise the streets, bridges, alleys, sidewalks, parks, squares, and other public places of the city.

(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 11. Authority over use of streets.**

The city has inalienable and exclusive authority and jurisdiction over the uses in, upon, over, and under the streets, alleys, and other rights-of-way of the city. This exclusive authority includes, but is not limited to, the right to regulate, locate, relocate, remove, or prohibit the location of, all utility pipes, lines, wires, or other property.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Street improvements, V.T.C.A., Transportation Code § 313.001 et seq.

### **Sec. 12. Garbage disposal.**

The city has the authority to provide a solid waste system for the city. The city council may by ordinance adopt regulations for the handling of all garbage, trash, and rubbish in the city and fix

charges for its removal. Any contract or license permitting or authorizing garbage or solid waste removal service within the city shall be subject to the provisions of Article XI of this charter.

(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 13. Sanitary sewer system.**

The city has the authority to provide a sanitary sewer system and to require property owners to connect their premises to the sewer system. The city council may by ordinance provide penalties for failure to make sanitary sewer connections, adopt regulations for the protection of the sewer system, and fix charges for sanitary sewer service.

(El. of 5-2-1998)

### **Sec. 14. Water system.**

The city has the authority to provide for a water system and its management. The city council may by ordinance prescribe charges and regulations, for water connections, turn-on, cut-off, consumption, use, and waste, and prescribe penalties for violation of these regulations.

(El. of 5-2-1998)

### **Sec. 15. Public library.**

The city has the authority to establish and maintain a public library free to residents within the city and to cooperate with any person or other entity, under terms the city council may prescribe, for the establishment or maintenance of the public library.

(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 16. Public parks.**

The city has authority to provide and control city parks. Pursuant to this authority, the city may install improvements in the parks, including, but not limited to, landscaping, amusements, recreational facilities, buildings, playgrounds, walkways, and driveways.

(El. of 4-6-1974; El. of 5-2-1998; El. of 11-5-2013)

**Sec. 17. Municipal Court.**

The municipal court of the city is established for the trial of misdemeanor offenses with the powers and duties as prescribed by state law. (El. of 5-2-1998)

**Sec. 18. Cemeteries.**

The city has the authority to:

- (1) regulate burial grounds, cemeteries, and crematories owned by any person, firm, or corporation;
- (2) condemn and close a burial ground, cemetery, or crematory when the public interest or public health demands it; and
- (3) purchase, establish, own, regulate and maintain one or more cemeteries.

(El. of 5-2-1998)

**ARTICLE III. THE CITY COUNCIL**

**Sec. 19. Terms; place numbers, absences.**

(a) *Composition; term.* The city council is composed of a mayor and six councilmembers, elected at large for three-year terms beginning the first meeting of the city council following the main election, and they serve until their successors have been appointed or elected and qualified.

(b) *Terms and places.* The mayor and each council member shall be elected at large, under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The mayor and each council member shall hold office for a three-year term, or until their successor is elected and duly qualified. Upon expiration of the terms of the current mayor and council members, their successors shall be elected for terms as follows:

The Mayor, Place 2, Place 4 and Place 6 shall be elected for a term of three (3) years at the 2014 general election, and for three (3) year terms thereafter.

Place 1, Place 3 and Place 5 shall be elected for a term of three (3) years at the 2015 general election, and for a three (3) year terms thereafter.

(c) *Mayor.* The mayor as a member of the city council is not designated as a place on the ballot but is designated as "mayor".

(d) *Absences.* Unless prevented from attending by sickness, a councilmember who is absent for three consecutive regular meetings of the city council without first having obtained leave of absence from the city council at a regular meeting, is deemed to have vacated the office, and the city council shall fill the vacancy in accordance with Section 23 of this Charter. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 20. Qualifications; forfeiture.**

(a) *Qualifications required.* The mayor and 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 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. (El. of 5-2-1998; El. of 11-5-2013)

\*State law reference—Eligibility requirements for public office, V.T.C.A., Election Code § 141.001.

**Sec. 21. Compensation of members.**

Each councilmember receives as compensation for services on the city council, \$5.00 for each regularly scheduled meeting of the city council attended by the member, but not to exceed \$120.00 in any year, beginning the first meeting after the general election in one calendar year and ending the last meeting before the general election in the next calendar year. In addition to this compensation, councilmembers are entitled to reasonable and necessary expenses incurred in the performance of their official duties, when approved by a majority vote of the city council.  
(El. of 5-2-1998)

**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 regular meeting 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 next general election.  
(El. of 5-2-1998; El. of 11-5-2013)

**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.

(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 24. Powers.**

All powers of the city are vested in the city council; except, that the city council has no authority to exercise those powers which are conferred upon other city officers by this Charter.  
(El. of 5-2-1998)

**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 councilmember was elected or within two years after the expiration of the last term the 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.

(El. of 5-2-1998; El. of 11-5-2013)

**Cross reference**—Qualifications, powers and duties, etc., § 40 et seq.

**Sec. 26. Employees; department heads.**

(a) *Appointment and removal.* Neither the city council nor any 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 councilmember shall give orders to a subordinate of the city manager, either publicly or privately.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 27. Rights of the city manager and other officers in city council meetings.**

The city manager, and such other officers of the city as may be designated by vote of the city council, are entitled to seats in the city council meetings, but have no vote. The city manager has the right to take part in the discussion of all matters coming before the city council, and other officers are entitled to take part in discussions of the city council relating to their offices, departments, or agencies.  
(El. of 5-2-1998)

**Sec. 28. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 28 of the Charter which pertained to administrative departments and derived unamended from the original Charter.

**Sec. 29. City secretary.**

(a) *Selection.* The city council shall appoint a person who is an officer of the city and who shall have the title of city secretary. The city secretary holds office at the will and pleasure of the city council and the city council has sole authority to remove the city secretary.

(b) *Responsibilities.* The city secretary shall:

- (1) give notices of city council meetings;
- (2) keep the journal of the city council's proceedings;
- (3) authenticate by the city secretary's signature, record in full, and index all ordinances and resolutions; and
- (4) perform such other duties as the city council assigns, as provided for elsewhere in this Charter, and as established by state law.

(El. of 4-6-1974; El. of 5-2-1998; El. of 11-5-2013)

**Sec. 30. City judge; associate judges; court fines.**

(a) *Appointment.* The city council shall appoint a city judge as judge of the municipal court. The judge shall be a competent and duly licensed attorney practicing law in the State of Texas, and shall be appointed by ordinance. The city council shall also appoint one or more associate city judges, who shall be a competent and duly licensed attorney practicing law in the State of Texas, to serve when the city judge fails to act for any reason. The city judge and associate city judges shall serve for terms of two years or until their successors have been qualified.

(b) *Removal.* Judges and Associate Judges serve at the will of the council and may be removed after an opportunity for a hearing before the council.

(c) *Compensation.* The city council shall determine the compensation of the judges, but they shall not be paid on a commission basis.

(d) *Fines.* Fines imposed by the municipal court, or by any court in cases appealed from judgments of the municipal court, shall be paid into the city treasury for the use and benefit of the city.  
(El. of 4-6-1974; El. of 5-2-1998; El. of 11-5-2013)

**Cross reference**—Municipal court, § 17.

**Sec. 31. City attorney.**

(a) *Appointment.* The city council shall appoint a qualified licensed attorney as the city attorney, who shall receive compensation for services as determined by the city council. The city attorney serves at the will and pleasure of the city council and the city council has sole authority for removing the city attorney.

(b) *Responsibilities.* The city attorney may represent the city in litigation and shall be the legal adviser of and attorney and counsel for the city and its officers and departments, in their official capacity.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 32. Induction into office; meetings.**

(a) *Assuming office.* On the earliest date possible under the Texas Election Code, following each general city election, the city council shall meet at

the usual place for holding meetings, and the newly elected members shall qualify and assume the duties of office.

(b) *Meetings.* The city council shall meet regularly at times prescribed by its rules but not less frequently than once each month. The city secretary shall call special meetings upon the request of the mayor, city manager, or a majority of the members of the city council. All meetings must be held in accordance with state law.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Open meetings, V.T.C.A., Government Code § 551.001 et seq.

### **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.

(El. of 8-14-1982; El. of 5-2-1998)

### **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.

(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.

(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 35. Ordinances.**

(a) *Enacting clause.* The enacting clause of all ordinances is "Be it Ordained By the City Council of the City of Burleson".

(b) *Acts requiring an ordinance.* The following acts of the city council must be accomplished by ordinance:

- (1) establishing a fine or other penalty;
- (2) providing for the expenditure of funds, except for restricted-use funds, which may be expended by council action.
- (3) providing for the contracting of indebtedness; and
- (4) acts required by other provisions of this Charter or by state law to be accomplished by ordinance.

(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 36. Procedure for passage of ordinances.**

(a) *Introduction.* An ordinance must be introduced in written or printed form and, upon passage, takes effect in accordance with its terms.

(b) *Approved at two meetings; exceptions.* Ordinances shall be considered and approved at two separate sessions of the city council. The City Council may establish exceptions to this two session requirement by determining types of ordinances that may be approved at only one session. These exceptions must be established by ordinance following a public hearing.

(c) *Ordinance containing penalty.* An ordinance imposing a penalty, fine, or forfeiture for violation of its provisions takes effect upon publication in accordance with state law and on the city's website.

(d) *Publication.* The city secretary shall give notice of the passage of an ordinance imposing a penalty, fine, or forfeiture by causing the caption or title and the penalty clause, of the ordinance to

be published once in a newspaper of general circulation in the city or in accordance with state law and on the city's website after the final passage of the ordinance. The city secretary shall note on the front of each ordinance that is published and in its record, the fact that it has been published as required by the Charter, and the date of the publication. This note is prima facie evidence for the legal publication and promulgation of the ordinance. This publication requirement does not apply to codification of ordinances or the publication of ordinances in book or pamphlet form.

(e) *Records; authentication.* Ordinances must be authenticated by the signatures of the mayor and city secretary, and must be systematically recorded and indexed in an ordinance book or books in a manner approved by the city council.

(f) *Emergency ordinance.* An ordinance may be adopted with consideration and approval at only one meeting in cases of emergency. An emergency exists when action is necessary for the immediate preservation of the public peace, health, or safety. An emergency ordinance must contain a statement of the nature of the emergency.  
(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 37. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 37 of the Charter which pertained to emergency ordinances and derived from the original Charter as amended by the election of May 2, 1998.

### **Sec. 38. Investigation by council.**

The city council has power to inquire into the conduct of any operation of the city and to make investigation as to municipal affairs. For that purpose the city council may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey a city council subpoena or to produce books, papers or other evidence, as ordered under the provision of this section, constitutes a misdemeanor punishable by a fine not to exceed the maximum amount allowed for a Class C misdemeanor under state law.  
(El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 39. Independent audit.**

Annually, after the end of the fiscal year, a certified public accountant shall make an independent audit of accounts and other evidences of financial transactions of the city and submit a written report to the city council. The designated accountant must have no personal interest, direct or indirect, in the fiscal affairs of the city during the time which the accountant is retained by the city. Audits shall be conducted in full compliance with state law. A written report of audited financial statements shall be placed on the city's website.  
(El. of 5-2-1998; El. of 11-5-2013)

## **ARTICLE IV. THE CITY MANAGER\***

### **Sec. 40. Qualifications.**

The city manager shall be chosen by the city council solely on the basis of executive and administrative qualifications with special emphasis on experience in, or knowledge of, accepted practice in the duties of the office of city manager. At the time of appointment, the city manager need not be a resident of the city or state but shall reside within the city within 120 days of the start of employment and at all times thereafter.  
(El. of 5-2-1998; El. of 11-5-2013)

### **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 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:

- (1) Appoint, and when necessary for the good of the city, remove any employees of the city.
- (2) Establish job classifications within each department with salaries and wages commensurate with the requirements of the job description.

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\***Cross reference**—Appointment and removal, § 25.

- (3) As budget officer, prepare the budget annually, submit it to the city council, and be responsible for its administration after adoption.
  - (4) Prepare or cause to be prepared and submit to the city council at the end of the fiscal year a report of financial condition and activities prepared in accordance with Generally Accepted Accounting Principles.
  - (5) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as the city manager determines are desirable or necessary.
  - (6) Control the organizational structure of the city, and create, change or abolish any department of the city as necessary for the efficient operation of the city consistent with city council policy.
  - (7) Perform other duties prescribed by this Charter or required by the city council that are consistent with this Charter.
- (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 42. Absence of city manager.**

The city manager may designate by letter filed with the city secretary, a qualified employee of the city to perform the duties of the city manager during the city manager's temporary absence or disability. If the city manager fails to make a designation, the city council may appoint an employee of the city to perform the duties of the city manager during the city manager's absence or disability.

(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 43. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 43 of the Charter which pertained to directors of departments and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 44. Departmental divisions.**

The work of each administrative department may be distributed among divisions as determined by the city manager.

(El. of 5-2-1998; El. of 11-5-2013)

**ARTICLE V. THE BUDGET\***

**Sec. 45. Fiscal year.**

The fiscal year of the city begins on the first day of October and ends on the last day of September of each year. The fiscal year also constitutes the budget and accounting year.

(El. of 5-2-1998)

**Sec. 46. Preparation and submission of budget.**

The city manager, as the budget officer shall annually submit to the city council a proposed budget. In addition to the requirements of state law the budget must contain:

- (1) a budget message explaining the budget;
- (2) the financial resources of each fund that requires annual appropriations;
- (3) the funds received from all sources during the preceding year;
- (4) the estimated funds available from all sources during the current year and the ensuing year, including funds available to cover the proposed budget;
- (5) the expenditures for the preceding year by expenditure type;
- (6) the estimated expenditures and revenues for the current year and the ensuing year by expenditure and revenue type;
- (7) general fund resources in detail;
- (8) the estimated tax rate required to cover the proposed budget;
- (9) description of all bond issues outstanding, showing rate of interest date of issue, maturity date, amount authorized, amount issued, and amount outstanding;
- (10) a schedule of requirements for the principal and interest of each issue of bonds;
- (11) a special funds section as directed by the city council;
- (12) the appropriation ordinance;

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\***State law reference**—Municipal budget, V.T.C.A., Local Government Code § 102.001 et seq.

- (13) the tax levying ordinance; and
- (14) any other matter requested by the city council or required by state law.  
(El. of 5-2-1998; El. of 11-5-2013)

**Secs. 47, 48. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 47, 48 of the Charter which pertained to anticipated revenues compared with other years in budget, and proposed expenditures compared with other years in budget, respectively, and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 49. Proposed budget a public record.**

The city manager shall file the proposed budget and all supporting schedules with the city secretary as a public record when it is submitted to the city council. The budget and supporting schedules shall also be published on the city's website.  
(El. of 5-2-1998; El. of 11-5-2013)

**Secs. 50—53. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 50—53 of the Charter which pertained to notice of public hearing on budget, public hearing on proposed budget, proceedings on budget after public hearing; amending the budget, and proceeding on adoption of budget, respectively, and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 54. Vote required for adoption.**

The adoption of the budget requires the favorable vote of a majority of the members of the entire city council.  
(El. of 5-2-1998)

**Sec. 55. Date of final adoption; failure to adopt.**

The city council shall finally adopt the budget not later than the 30th day of the last month of the fiscal year. Should the city council fail to take final action on or before that day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the city council.  
(El. of 5-2-1998)

**Secs. 56—60. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 56—60 of the Charter which

pertained to effective date of budget; copies made available, budget establishes appropriations, budget establishes amount to be raised by property tax, contingency reserve, and amendments on the budget, respectively, and derived from the original Charter as amended by the election of May 2, 1998.

**ARTICLE VI. ISSUANCE AND SALE OF BONDS**

**Sec. 61. Power to borrow.**

(a) *General obligation and revenue bonds.* The city has the power to borrow money on the credit of the city for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of the state. The city shall also have the power to borrow money against revenues of the facility for the financing of:

- (1) any municipally-owned utility and to mortgage the physical properties of utilities in payment of the debt; and
- (2) any other revenue-producing municipally-owned facility.

(b) *Repayment of revenue bonds.* Revenue bonds are not an indebtedness of the city, and ad valorem taxes may not be pledged for the repayment of revenue bonds without a vote of the citizens at an election called for the purpose.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 62. Bond ordinance and election.**

(a) *Approval.* The city shall authorize the issuance of general obligation bonds by ordinance passed by an affirmative vote of a majority of the members of the entire city council and approved by a majority of the qualified voters, voting at an election called for the purpose of authorizing the issuance of the bonds. The bond ordinance shall provide for proper notice, the calling of the election, and the proposition to be submitted. The proposition shall distinctly specify:

- (1) the purpose for which the bonds are to be issued;
- (2) the amount of the bonds;
- (3) the levy of taxes sufficient to pay the principal and interest for retirement of

the bonds; and (4) that the bonds will mature within a given number of years not to exceed 40.

(b) *State law.* The bond ordinance and the manner of conducting the election shall conform to the constitution and general laws of the state. (El. of 5-2-1998)

**Sec. 63. Issuance of bonds.**

The city may issue serial or other type bonds as authorized by state law, and the bonds shall specify for what purpose they are issued. Terms for call provisions and maturity times will be determined at the time of bond issuance based on market conditions.

(El. of 5-2-1998)

**Sec. 64. Advertising and sale of bonds.**

Bonds of the city, after having been authorized and issued in accordance with the provisions of this Charter and the constitution and laws of the state, may be sold using any of the methods authorized by state law which is determined by the city council to be in the best interests of the city. The bonds may be sold upon such other terms and conditions not inconsistent with state law or this Charter, as the city council may order. In connection with the issuance of bonds, the City may execute any contract upon such terms and conditions not inconsistent with state law or this Charter, as the city council may order to provide additional security for the bonds.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Bond sale advertisement, V.T.C.A., Government Code § 1331.053.

**Sec. 65. Creation of sinking fund and investments.**

An ordinance authorizing the issuance of bonds shall provide for the creation of a sinking fund sufficient over time to pay the principal of the bonds at maturity and to pay the interest as it matures. Surplus in a sinking fund may be invested in accordance with the Texas Public Funds Investment Act and the city policies for the investment of funds, adopted pursuant to that act.

(El. of 5-2-1998)

**Sec. 66. Liability for diversion of sinking fund.**

An officer of the city who diverts or uses a sinking fund for any purpose other than that for which the fund is created or for which investments are authorized, shall be personally liable and responsible to the city in the full amount, with statutory interest, of the unlawful diversion or use. If the diversion or use is made or participated in by more than one officer of the city, the liability and responsibility is joint and several.

(El. of 5-2-1998)

**ARTICLE VII. FINANCE ADMINISTRATION**

**Sec. 67. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former § 67 of the Charter which pertained to department of finance director and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 68. City manager; authority and duties relating to finance.**

The city manager may delegate some or all of the financial administrative duties but shall maintain supervisory authority over all functions. The city manager shall have charge of the administration of the financial affairs of the city and to that end shall have authority and responsibility for the performance of the following duties:

- (1) Supervise and be responsible for the disbursement of monies and have control over expenditures to ensure that budget appropriations are not exceeded.
- (2) Maintain a general accounting system for the city government.
- (3) Exercise financial budgetary control for the city government.
- (4) Keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amount paid from the account, the unpaid obligations against it, and the unencumbered balance.

- (5) Require reports of receipts and disbursements from each receiving and spending agency of city government to be made daily or at such intervals as the city manager determines to be expedient.
- (6) Submit to the city council, periodically or as requested by the city council, a statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city.
- (7) Prepare, as of the end of each fiscal year, a complete financial statement and report.
- (8) Collect all revenues of the city.
- (9) Have custody of all public funds belonging to or under the control of the city and deposit all funds in the depository or depositories designated by the city council, subject to the requirements of law.
- (10) Have custody of all investments and invested funds of the city government, or in possession of the city in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration, or exchange.
- (11) Supervise and be responsible for the purchase, receiving, storage and distribution of all supplies, materials, equipment and other articles.
- (12) Ensure policies are in place for the expenditure of funds.
- (13) Supervise and be responsible for the sale or disposal of surplus or obsolete supplies, materials and equipment belonging to the city.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 69. Transfer of appropriations.**

The city manager may transfer appropriations within a fund consistent with city council policy. Appropriation changes between funds can only be done through ordinance.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 70. Accounting supervision and control.**

The city manager is responsible for ensuring supervision of the following functions:

- (1) Creation of standardized forms of receipts, vouchers, bills, and claims to be used.
- (2) Examination and approval of all contracts, orders, and other documents by which the city incurs financial obligations.
- (3) Examination and approval before payment of bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city and when necessary, consultation with the city attorney to determine the legality of claims, demands, or charges.
- (4) Inspection of any accounts or records of financial transactions which may be maintained by the city apart from the accounts kept in the office of the director of finance.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 71. Lapse of appropriations.**

Appropriations that have not been expended or lawfully encumbered at the end of the fiscal year shall lapse. Lawful encumbrances will be added to the adopted budget.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 72. Fees shall belong to city.**

Fees received by an employee acting in an official capacity for the city shall belong to the city and shall be promptly submitted to the department of finance.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 73. Sale of city property.**

The sale of city real and personal property shall be in compliance with state law.  
(El. of 5-2-1998; El. of 11-5-2013)  
**State law reference**—Sale of property by city, V.T.C.A., Local Government Code § 253.001 et seq.

**Sec. 74. Purchase and procurement procedures.**

(a) *Approval by city manager.* The city manager shall have the authority to approve purchases for goods, services and public improvements up to the maximum authorized by state law. The City Council may establish city purchasing authority for the city manager at an amount lower than authorized by state law.

(b) *Contracts.* Contracts are required when state law requires compliance with state procurement laws. The city manager may sign contracts up to the maximum dollar amount allowed by state law or a lower maximum as directed by the city council.

(c) *Procurement.* Before the city may enter into a contract for goods, services or public improvements or approve alterations in an existing contract, the city shall comply with the requirements of state law. The city manager shall adopt procedures to assure competition for contracts that do not require formal bidding under state law.

(d) *No bids received.* If state law requires compliance with procurement laws, and after formally requesting bids or proposals on two separate occasions, if the city fails to receive any valid bids or proposals, the city council is authorized to make the purchase without the use of bids or proposals; provided, that it follows specifications used in the failed bid or proposal offerings.  
(El. of 8-13-1977; El. of 8-9-1980; El. of 5-2-1998; El. of 11-5-2013)

**Sec. 75. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 75 of the Charter which pertained to contracts for public improvements and derived from the original Charter as amended by the election of Aug. 9, 1980; election of May 2, 1998.

**Sec. 76. Disbursement of funds.**

The city council shall approve a written policy for the disbursement of funds.  
(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 77. Accounting and inventory control of purchases.**

The city manager shall adopt and implement an accounting and inventory system and procedures, using advances in technology, for the control of the acquisition and use by city departments and offices of supplies, materials, equipment, and contractual services. The system and procedures must assure a sufficient unencumbered budgeted balance is available to pay for purchases and must maintain rigid control of supplies, materials, and equipment used by the city.  
(El. of 5-2-1998)

**Sec. 78. Borrowing in anticipation of property taxes.**

Within a fiscal year, in anticipation of the collection of property taxes for the year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city. The total of these outstanding notes shall never at any one time be in excess of 25 percent of the balance of anticipated but uncollected taxes for the fiscal year in which issued, plus unappropriated delinquent taxes for previous years. A note issued pursuant to this section shall be designated "tax anticipation note for the year \_\_\_\_" (stating the budget year). Tax anticipation notes shall mature and be payable not later than the end of the fiscal year in which the original notes are issued, and shall be paid only out of taxes levied for that year.  
(El. of 5-2-1998)

**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 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.  
(El. of 5-2-1998)

**Sec. 80. Sale of notes.**

Upon approval by the city council, notes issued pursuant to this article may be sold at private sale by the director of finance, based upon market conditions, without previous advertisement. (El. of 5-2-1998)

**Sec. 80A. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 80A of the Charter which pertained to lease-purchase obligations and derived from the original Charter as amended by the election of Aug. 14, 1982; election of May 2, 1998.

**ARTICLE VIII. TAX ADMINISTRATION\***

**Sec. 81. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 81 of the Charter which pertained to division of taxation and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 82. Power to tax.**

The city council has the power to levy, assess, and collect an annual tax upon the taxable property within the city for any authorized municipal purpose. (El. of 5-2-1998; El. of 11-5-2013)

**Secs. 83—87. Reserved.**

**Editor's note**—An amendment approved at election May 2, 1998, repealed former §§ 84—87 of the Charter which pertained to the board of equalization and derived unamended from the original Charter. The amendment furthermore provided that: "These sections [84—87] concerned the Board of Equalization which no longer exists under state law. It has been replaced by the county tax appraisal district."

Subsequently, an amendment approved at election Nov. 5, 2013, repealed former § 83 of the Charter which pertained to property subject to tax; method of assessment and derived from the original Charter as amended by the election of May 2, 1998.

\***State law references**—Local government taxes, V.T.C.A., Tax Code § 302.001 et seq.; local administration, V.T.C.A., Tax Code § 6.01 et seq.

**Sec. 88. Tax roll; payment of taxes.**

(a) *When payable.* Taxes due the city may be paid at any time after the tax rolls for the year have been completed and approved. Taxes become delinquent on the date established by state law. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 89. Maximum tax rate.**

The city council is authorized to levy and collect ad valorem taxes on each \$100 of assessed valuation of property that is not exempt from taxation by the constitution or laws of the state, at the following rates for the following designated purposes:

- (1) at a rate not exceeding \$1.00 for the purpose of paying the general governmental operating costs of the city; and
- (2) at a rate sufficient to pay the principal of, and interest on, bonds authorized by the qualified voters of the city, that are outstanding as of the date of the adoption of the tax levy ordinance. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 90. Seizure and sale of personal property.**

The city has authority in accordance with state law to seize, levy upon, and sell personal property to satisfy delinquent taxes and pay the penalties, interest, and costs due on the delinquent taxes, whether the taxes are due upon personal or real property or upon both. The city will follow the procedure and notification requirements prescribed by state law for the seizure and sale of personal property. (El. of 5-2-1998)

**Sec. 91. Tax liens.**

(a) *Lien on the property.* Taxes levied by the city constitute a lien on the property upon which the tax is due beginning the first day of January of each year until the taxes are paid. The lien is superior to all other claims, and no gifts, sale, assignment, or transfer of the property and no judicial order may defeat the lien. The city is

entitled to enforce and foreclose on the lien to collect the amount of taxes, penalties, interest, and costs due, in accordance with state law.

(b) *Personal liability.* A person or entity owning or holding personal property or real estate in the city on the first day of January of each year is personally liable for the city taxes levied on the property for that year.  
(El. of 5-2-1998)

**ARTICLE IX. NOMINATIONS AND ELECTIONS**

**Sec. 92. Municipal elections.**

(a) *General elections.* The general election for electing members of the city council shall be held on a uniform election date established by state law.

(b) *Special elections.* The city council may order an election for any municipal purpose, and shall order special elections to fill vacancies, pursuant to citizen petitions or measures as promptly as possible while complying with state and federal requirements. Special elections called pursuant to citizen petitions or to fill vacancies shall be held as promptly as possible while complying with the state and federal requirements.  
(El. of 5-2-1998; El. of 11-5-2013)

**Secs. 92A, 93. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 92A, 93 of the Charter which pertained to election dates and responsibilities of the city council in conducting elections, respectively, and derived from the original Charter as amended by the election of Aug. 13, 1977; the election of May 2, 1998.

**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 \_\_\_\_\_, 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.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Eligibility requirements for public office, V.T.C.A., Election Code § 141.001.

**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 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.

(El. of 4-6-1974; El. of 5-2-1998; El. of 11-5-2013)

**Sec. 96. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former § 96 of the Charter which pertained to city council ballots and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 97. Reserved.**

**Editor’s note**—An amendment approved at election May 2, 1998, repealed former § 97 of the Charter, which pertained to qualification of voters and derived unamended from the original Charter.

**Sec. 98. Laws governing city elections.**

(a) *State law and city Charter.* City elections are governed by the constitution and laws of the state applicable to municipal elections, except where state law provides that a city Charter takes precedence, and this Charter varies from state law. If state law and this Charter fail to provide for some feature of city elections, the city council has the power to provide for the deficiency.

(b) *Substantial compliance.* No informalities in conducting a city election shall invalidate the election if it is conducted fairly and in substantial compliance with state law, where applicable, and the Charter and ordinances of the city. (El. of 5-2-1998)

**Sec. 99. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former § 99 of the Charter which pertained to canvassing elections and derived from the original Charter as amended by the election of May 2, 1998.

**ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL**

**Sec. 100. Power of initiative.**

(a) Ordinances may be proposed. The qualified voters of the City of Burleson have the power of initiative to:

- (1) propose an ordinance; except an ordinance:
  - (A) appropriating money;
  - (B) authorizing the levy of taxes; or
  - (C) on a topic that the courts have held is not subject to initiative; and

- (2) adopt or reject the ordinance at an election.

(b) *Petition required.* Voters may submit an initiative ordinance to the city council by a petition signed by a number of qualified voters of the city equal to at least 30 percent of the total votes cast at the last general election, or equal to 5 percent of registered voters, whichever is greater. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 101. Power of referendum.**

(a) *Ordinances may be challenged.* The voters also have the power of referendum to approve or reject, at an election, any ordinance passed by the city council or submitted by the city council to a vote of the citizens; except an ordinance:

- (1) authorizing the issuance of bonds;
- (2) levying taxes; or
- (3) on a topic that the courts have held is not subject to referendum.

(b) *Initiative ordinances.* Ordinances submitted to the city council by initiative petition and passed by the city council without change are subject to the referendum in the same manner as other ordinances.

(c) *Petition required.* Within 20 days after the enactment by the city council of an ordinance that is subject to a referendum, voters may file with the city secretary, a petition signed by qualified voters of the city equal in number to at least 30 percent of the total votes cast at the last general election, or equal to 5 percent of registered voters, whichever is greater. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 102. Petition; affidavit; committee of petitioners.**

(a) *Petition forms; affidavit.* The signatures of initiative or referendum petitions may be contained in more than one petition form, but each petition form must contain an affidavit of the circulator of that petition form affirming that:

- (1) the circulator personally circulated the petition paper;

- (2) the paper bears a stated number of signatures;
- (3) all signatures on the petition paper were made in the circulator's presence; and
- (4) the circulator believes them to be the authentic signatures of the persons whose names they purport to be.

(b) *Contents of a petition.* To be valid, a petition form must contain the following:

- (1) if it is an initiative petition, the full text of the ordinance; and
- (2) the names and addresses of five qualified voters, who shall be regarded as a committee of petitioners responsible for the circulation and filing of the petition.

(c) *Validity of signatures.* For a signature to be valid, the petition must contain:

- (1) the signature of each signer in ink or indelible pencil;
- (2) the signer's place of residence by street and number or other description sufficient to identify the location;
- (3) the signer's voting precinct number; and
- (4) other information required by state law for an election petition to be valid.

(El. of 5-2-1998)

### **Sec. 103. Filing; examination; and certification of petitions.**

(a) *City secretary examines petition.* All petition forms comprising an initiative or referendum petition must be assembled and filed with the city secretary as one instrument. Within 15 business days after the petition is filed, the city secretary shall determine whether:

- (1) each petition form has a proper affidavit of the circulator as required in Section 102(a);
- (2) each petition form contains all information as required in Section 102(b); and
- (3) the petition contains the valid signatures of a sufficient number of qualified voters as required in Section 102(c).

(b) *Sufficiency of affidavit.* The city secretary shall declare any petition form entirely invalid which does not contain, an affidavit signed by the circulator. If a petition form is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds.

(c) *Certifying petition.* After completing examination of the petition the city secretary shall certify the results to the city council at its next regular meeting. If the city secretary certifies that the petition is insufficient, the city secretary shall describe the defects in the certificate and shall immediately send notice to all members of the committee of petitioners of these findings. (El. of 5-2-1998; El. of 11-5-2013)

### **Sec. 104. Amendment of petitions.**

(a) *Time period; notice.* The committee may amend the petition by submitting supplementary petition forms, signed and filed as required for the original petition. An initiative or referendum petition may be amended once at any time within 10 days after the city secretary sends notification of insufficiency to members of the committee. The city secretary shall send notice to all committee members by personal delivery made by city employees or by commercial courier service. A receipt indicating that one or more members of the committee have received notice is sufficient to begin the running of the 10-day period at the time of the earliest dated receipt.

(b) *Examination of amendments.* The city secretary shall, within five days after an amendment is filed, make examination of the amended petition and, if the petition is still insufficient, the city secretary shall file a certificate to that effect in the city secretary's office and notify the committee of petitioners by United States mail of the findings. No further action shall be taken on the insufficient petition. The finding of the insufficiency of a petition does not preclude the filing of a new petition for the same purpose. (El. of 5-2-1998)

**Sec. 105. Effect of certification of referendum petition.**

When a referendum petition, or amended referendum petition, as described in Section 104 of this Charter, is certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action under the ordinance shall be suspended, if it has gone into effect, until and unless approved by the voters at an election.

(El. of 5-2-1998)

**Sec. 106. Consideration of city council; initiative and referendum petitions.**

(a) *Immediate consideration.* When the city secretary certifies an initiative or referendum petition as sufficient, the city secretary shall present the petition to the city council at its next regular city council meeting for which there is time to post notice. At this meeting, the city council shall give the petition immediate consideration.

(b) *Initiative ordinance.* The city council shall hold a public hearing on a proposed initiative ordinance. The city council shall take final action on the ordinance not later than 60 days after the date on which the petition was certified to the city council by the city secretary.

(c) *Referendum ordinance.* A referred ordinance shall be reconsidered by the city council and the city council shall take a final vote upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

(El. of 5-2-1998)

**Sec. 107. Submission to voters.**

If the city council fails to pass an ordinance proposed by an initiative petition, passes the ordinance in a form different from that set forth in the petition, or fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters at an election held on the next state uniform election date that is at least 30 days after the date the city council takes its final vote on the ordinance.

(El. of 5-2-1998)

**Sec. 108. Form of ballot for initiative and referendum ordinances.**

(a) *Ballot title.* Ordinances submitted to a vote at an election in accordance with the initiative or referendum provisions of this Charter shall be submitted in the form of a ballot title that is prepared by the city attorney. The ballot title may be different from the legal title of the ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the ordinance. If a paper ballot is used, the following propositions shall be placed next to the ballot title as required by state law, one above the other, in the order indicated:

"FOR THE ORDINANCE"

"AGAINST THE ORDINANCE"

(b) *More than one ordinance at an election.* Any number of ordinances may be voted on at the same election and may be submitted on the same ballot. If paper ballots are used, initiative and referendum propositions shall be placed on a separate ballot from other matters to be voted on at the same election.

(El. of 5-2-1998)

**Sec. 109. Results of election.**

If a majority of the qualified voters voting on a proposed initiative ordinance vote for the ordinance, it immediately becomes an ordinance of the city. If a majority of the qualified voters voting on a referendum ordinance vote against the ordinance, the ordinance is immediately repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of any conflict.

(El. of 5-2-1998)

**Sec. 110. Repealing ordinances; publications.**

(a) *Amendments.* Initiative ordinances approved by the voters shall be published, and may only be amended or repealed by the city council in response to an initiative or a referendum petition in accordance with Sections 100 through 109 of this Charter or through city council initiative in accordance with Subsection (b).

(b) *City council action.* The city council, upon its own motion and by majority vote of its membership, may submit to the voters at an election, any proposed ordinance, resolution, or measure for adoption or rejection. The election is held in the same manner and with the same effect as provided in this article for submission by petition. The city council may, in its discretion, call a special election for this purpose.  
(El. of 5-2-1998)

**Sec. 111. Recall; general.**

Members of the city council and the mayor, are subject to recall and removal from office by the qualified voters of the city.  
(El. of 8-13-1977; El. of 5-2-1998)

**Sec. 112. Recall; affidavit and petition blanks.**

(a) *Affidavit required.* Any qualified voter of the city may file with the city secretary an affidavit containing the name of the elected official whose removal is sought and a statement of the grounds for removal. Upon receipt of a separate affidavit for each official whose removal is sought, the city secretary shall deliver to the voter making the affidavit, copies of petition forms demanding removal of the official.

(b) *Petition forms.* The city secretary shall keep a sufficient number of printed petition forms on hand for distribution. The petition forms when issued by the city secretary shall:

- (1) bear the city secretary's signature;
- (2) be addressed to the city council;
- (3) be numbered and dated;
- (4) indicate the name of the person to whom issued;
- (5) indicate the number of petition forms issued;
- (6) indicate the name of the official whose removal is sought; and
- (7) contain blank spaces for all information required for a petition by Section 102(c) of this Charter and by state law.

(c) *Record of petition forms.* The city secretary shall enter in a record to be kept in the city secretary's office the name of the qualified voter to whom the petition forms were issued, the date of issuance, and the number issued to the person.  
(El. of 5-2-1998)

**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 councilmember or mayor sought to be recalled was elected, or equal to 5 percent of the registered voters, whichever is greater.

(b) *Validity.* For a signature to be valid, the petition must contain the information required for a valid signature under Section 102(c) of this Charter.

(c) *Affidavit of circulator.* A petition may consist of more than one petition form, but each petition form must contain an affidavit of the circulator that complies with the requirements for an affidavit under Section 102(a) of this Charter.

(d) *City secretary's signature.* A petition form is not valid unless it bears the original signature of the city secretary as required in Section 112 of this Charter.  
(El. of 8-13-1977; El. of 5-2-1998; El. of 11-5-2013)

**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 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. (El. of 5-2-1998; El. of 11-5-2013)

**Sec. 115. Ballots in recall elections.**

Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought, the question shall be submitted, "Shall (name of person) be removed from the office of (mayor) (councilmember) by recall?"
- (2) Immediately to the left of each question there shall be printed the two following choices:

"YES"  
"NO".

(El. of 5-2-1998)

**Sec. 116. Results of recall election.**

If a majority of the voters at a recall election vote "No", the 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.

(El. of 5-2-1998)

**Sec. 117. Limitation on recalls.**

A recall petition shall not be filed against an 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.

(El. of 5-2-1998)

**Sec. 118. District judge may order election.**

Should the city council fail or refuse to order an election required in this article, when all the requirements for the election have been complied

with by the petitioning voters, then it is the duty of a district judge of Johnson County, Texas, upon proper application, to order the election and to enforce the provisions of this article.

(El. of 5-2-1998)

**ARTICLE XI. FRANCHISE AND PUBLIC UTILITIES**

**Sec. 119. Powers of the city.**

(a) *City owned utilities.* The city has the following powers:

- (1) to buy, construct, lease, maintain, operate, and regulate public utilities;
- (2) to manufacture, distribute, and sell the output of utility operations; and
- (3) other powers regarding utility services granted under the constitution and laws of the state.

(b) *Service outside city limits.* The city may extend utility lines and sell utilities service outside the city limits, in accordance with state law. (El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Municipal utilities, V.T.C.A., Local Government Code § 402.001 et seq.

**Sec. 120. Power to grant franchise; term.**

The city council has the power, by ordinance, to grant, renew, extend, and amend franchises of public utilities operating within the city. A franchise shall not be granted for an indeterminate period nor for a term of more than 20 years from the date of the grant, renewal, or extension.

(El. of 5-2-1998)

**Sec. 121. Grant not to be exclusive.**

The grant of a franchise to construct, maintain, or operate a public utility and the renewal or extension of the grant shall not be exclusive.

(El. of 5-2-1998)

**Sec. 122. Ordinance granting franchise.**

An ordinance granting, renewing, extending, or amending a public utility franchise must be approved at two separate regular meetings of the city council, and shall not be finally passed until

30 days after the first approval. The full text of the ordinance must be published once between the first and second approval in a newspaper of general circulation in the city. The expense of the publication shall be paid by the prospective franchise holder. A franchise becomes effective after publication and second approval.  
(El. of 5-2-1998)

### **Sec. 123. Transfer of franchise.**

A public utility franchise may not be transferred without approval by ordinance of the city council. This restriction on transfer does not prevent the franchise holder from pledging the franchise as security for a valid debt or mortgage.  
(El. of 5-2-1998)

### **Sec. 124. Franchise value not allowed.**

A franchise holder shall not assign a value to the franchise granted by the city for use in calculating reasonable rates and charges for utility service within the city nor for determining just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.  
(El. of 5-2-1998)

### **Sec. 125. Regulation.**

(a) *Right of the city.* Whether or not it is stated in the franchise ordinance, a grant, renewal, extension, or amendment of a public utility franchise is subject to the right of the city council:

- (1) to terminate the franchise by ordinance at any time for the failure of the franchise holder to comply with the terms of the franchise, this power to be exercised only after notice and hearing and an opportunity to correct the default.
- (2) to require expansion and extension of plant facilities that are necessary to provide adequate service to the public and to maintain plant and fixtures at the highest reasonable standard of efficiency.
- (3) to establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

- (4) to impose regulations that insure safe, efficient, and continuous service to the public.
- (5) to examine and audit at any time during regular business hours the accounts and records of the utility which relate to the city's regulation.
- (6) to prescribe the form of accounts kept by each utility; provided, that the utility is in compliance with this paragraph if it keeps its accounts in accordance with the uniform system of accounts prescribed for the utility by a federal or state agency with regulatory authority over the utility.
- (7) to require the utility to compensate the city for use of the city's public rights-of-way and other public property as permitted by state or federal law.

(b) *Repair of rights-of-way.* A franchise holder shall refill and repair openings or other damage to the public rights-of-way caused by the franchise holder. It shall replace the pavement and perform all other work necessary to complete restoration of streets, sidewalks, or grounds to a condition equally as good or better as when disturbed. The city council may adopt ordinances to implement the requirements of this paragraph.  
(El. of 5-2-1998)

### **Sec. 126. Public service corporations to file annual reports.**

The city council shall adopt an ordinance requiring all public utility corporations operating within the city to file a sworn annual report of the receipts from the operation of the utility for the current year, how expended, the amount expended on improvements, the rate of charges for services to the public, and any other facts or information that the city council determines is pertinent for its use in intelligently passing upon questions that may arise between the city and the public utility. The reports shall be filed with the city secretary, and preserved for the use of the city council. The city council shall review the reports annually to determine the propriety of the rates being charged.  
(El. of 5-2-1998)

**Sec. 127. Regulation of rates.**

(a) *Authority of the city council.* The city council has authority:

- (1) after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the city;
- (2) to employ expert advice and assistance in determining a rate and equitable profit to the public utility; and
- (3) space to require within the franchise grant, extension, or renewal, or as a condition of a hearing concerning rates and service, that the public utility seeking the rate or service change pay the cost of the expert advice and assistance as chosen by the city council.

(b) *Ordinance regulating rates.* The city council shall not adopt an ordinance regulating utility rates as an emergency measure.

(El. of 5-2-1998)

**Secs. 128, 129. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former §§ 128, 129 of the Charter which pertained to municipality owned utilities and sales of municipal services, respectively, and derived from the original Charter as amended by the election of May 2, 1998.

**ARTICLE XII. GENERAL PROVISIONS****Sec. 130. Public records.**

Records of every office, department or agency of the city are subject to public inspection in accordance with state law.

(El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Public information, V.T.C.A., Government Code § 552.001 et seq.

**Sec. 131. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 131 of the Charter which pertained to surety bonds and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 132. Personal interest.**

(a) *Prohibition.* The city manager, a department head, or any other employee of the city shall not:

- (1) have a financial interest, direct or indirect, in any contract with the city; or
- (2) be financially interested directly or indirectly in the sale to the city of any land, materials, supplies or services.

(b) *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.

(c) *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.

(El. of 5-2-1998)

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

(a) *Prohibition.* During the term of office or while employed with the city, except as may be authorized by law or ordinance, 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.

(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 be removed from office.

(El. of 5-2-1998; El. of 11-5-2013)

**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. 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, at the time when the member of the city council or the city manager takes office.

(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 135. Employee or applicant delinquent in payment to the city.**

An employee or applicant for employment who is or who becomes delinquent in the payment of taxes or other payment due the city is not qualified to serve the city in any capacity for which compensation is paid if the delinquency continues after reasonable notification and opportunity to pay in accordance with city policy.

(El. of 5-2-1998)

**Sec. 136. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 136 of the Charter which pertained to oath of office and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 137. Damage suits.**

(a) *Written notice; time period.* Before the city shall be liable for a damage claim or a suit for personal injury or damage to property, the person who is injured or whose property is damaged or someone on that person's behalf shall give the city manager or the city secretary notice in writing in accordance with state law after the occurrence of the alleged injury or damage, stating:

- (1) specifically when, where, and how the injury or damage was sustained; and
- (2) the extent of the injury or damage as accurately as possible; and
- (3) the estimated amount of the claim stated in dollars and cents.

(b) *Lawsuit.* A lawsuit for damages shall not be brought against the city for personal injury or damage to property prior to the expiration of 60 days after the written notice has been filed with

the city manager or the city secretary. After the expiration of the 60 days, the complainant may then have two years in which to bring a lawsuit.

(c) *Cases of death.* Before the city shall be liable for a damage claim or a suit for a case of injuries resulting in death, the person or persons claiming the damages shall within 90 days after the death of the injured person, give notice as required in case of personal injury.

(El. of 5-2-1998; El. of 11-5-2013)

**Sec. 138. Reserved.**

**Editor's note**—An amendment approved at election Nov. 5, 2013, repealed former § 138 of the Charter which pertained to power to settle claims and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 139. Service of process against the city.**

All legal process against the city must be served upon the mayor or city secretary.

(El. of 5-2-1998)

**Sec. 140. City not required to give security or execute bond.**

In any action, suit, appeal, or proceeding in which the city is a party, it is not required that the city execute a bond or provide security in a state court. Actions, suits, appeals, or proceedings shall be conducted in the same manner as if a bond or security had been given, as required by law for other parties, and the city's liability is not affected by the exemption from giving bond or security.

(El. of 5-2-1998)

**Sec. 141. Liens against city property.**

Unless created under the authority of this Charter or state law, no lien shall exist against real or personal property owned by the city.

(El. of 5-2-1998)

**Sec. 142. Provisions relating to assignment, execution and garnishment.**

(a) *Writ of execution.* Real and personal property owned by the city is not liable to be sold or appropriated under a writ of execution or cost bill.

(b) *Garnishment.* The funds belonging to the city are not liable to garnishment, attachment, or sequestration for a debt the city may owe, whether the funds are in the hands of another person, firm, or corporation, or in the hands of the city. Neither the city nor any of its officers or employees shall be required to answer a writ of garnishment on an account of the city.

(c) *Assignment of wages.* The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors. (El. of 5-2-1998)

**Sec. 143. Church and school property not exempt from special assessments.**

No property of any kind in the city, is exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by state law. (El. of 5-2-1998)

**Sec. 144. Reserved.**

**Editor’s note**—An amendment approved at election Nov. 5, 2013, repealed former § 144 of the Charter which pertained to sale or lease of property other than public utilities or property acquired at tax sale and derived from the original Charter as amended by the election of May 2, 1998.

**Sec. 145. Effect of this Charter on existing law.**

All ordinances, resolutions, rules and regulations now in force under the city government of Burleson and not in conflict with the provisions of this Charter shall remain in force under this Charter until altered, amended or repealed by the council after this Charter takes effect; and all rights of the City of Burleson under existing general or special laws, franchises and contracts are preserved in full force and effect to the City of Burleson. Upon adoption of this Charter it shall constitute the Charter of the City of Burleson.

**Sec. 146. Continuance of contracts and succession of rights.**

All contracts entered into by the city or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public

improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances.

All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City of Burleson shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

**Sec. 147. Construction and separability clause.**

This Charter shall be liberally construed to carry out its intents and purposes. If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**Sec. 148. Amending the Charter.**

This charter may be amended as provided by state law. (El. of 5-2-1998; El. of 11-5-2013)

**State law reference**—Amendment of Charter, Local Government Code § 9.001 et seq.

**Sec. 149. Interim municipal government.**

From and after the date of the adoption of this Charter and the qualification of the mayor and councilmembers therein elected, the present qualified and acting mayor and councilmembers shall constitute the city council of the City of Burleson. Such city council shall possess all of the powers provided by this Charter and particularly by Article II hereof, provided however, the present qualified mayor and councilmembers shall continue to draw the same salaries and allowances as

they were drawing prior to the adoption of said Charter until the election and qualification of the mayor and councilmembers.

**Sec. 150. Submission of the Charter to electors.**

The Charter commission in preparing this Charter finds that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Burleson at the regular election to be held on April 5, 1969. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Burleson, and after the returns have been canvassed, the same shall be declared adopted. Not less than thirty (30) days prior to such election the city council shall cause the city secretary to mail a copy of this Charter to each qualified voter of the City of Burleson as appears from the tax collector's roll for the year ending January thirty-first preceding said election.

An official copy of the Charter shall be filed with the records of the city, and the mayor shall, as soon as practicable, certify to the secretary of state an authenticated copy under the seal of the city, showing the approval by the qualified voters of such Charter.

All elective officers under this Charter shall be voted on as prescribed by Article III, section 19 hereof, and the candidates therefor shall be governed by this Charter and take office as herein provided, until which time the present officers of the City of Burleson shall continue in office and constitute the city council of the City of Burleson.

STATE OF TEXAS

COUNTIES OF JOHNSON AND TARRANT

I, Amanda McCrory, the undersigned City Secretary, do hereby certify that the attached and foregoing is a true and correct copy of the Burleson Home Rule Charter as adopted by the citizens of

Burleson on April 5, 1969, and all amendments thereto as adopted by the citizens of Burleson April 6, 1974, August 13, 1977, August 9, 1980, August 14, 1982, May 2, 1998 and November 5, 2013. All proceedings pertaining to the aforementioned documents are recorded for permanent record in the Official Minute Books of the Burleson City Council.

GIVEN UNDER MY HAND AND THE OFFICIAL SEAL of the City of Burleson, Johnson and Tarrant Counties, Texas, this the 18th day of November, 2013, at the Burleson City Hall, 141 W. Renfro, Burleson, Texas.

SEAL:

/s/ \_\_\_\_\_  
Amanda McCrory  
City Secretary

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