



**NOTICE OF MEETING
OF THE
City of Burnet 2017/2018 Charter Review Committee**

Notice is hereby given that a meeting of the 2017/2018 Charter Review Committee will be held by on the **17th day of January, 2018 at 11:00 a.m.** in the Conference Room, City of Burnet City Hall, 1001 Buchanan, Suite 4, Burnet, Texas, at which time the following subjects will be discussed, to-wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

AGENDA

1. Call to Order and roll call
2. Approval of the December 13th, 2017 meeting minutes.
3. Discussion and possible action on review of committee findings
4. Adjournment

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the 2017/2018 Charter Review Committee, is a true and correct copy of said NOTICE and that I posted said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on or before January 12th, 2017, 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



Kelly Dix, City Secretary
City of Burnet

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chamber is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.



**CITY OF BURNET
CHARTER AMENDMENT COMMITTEE
MINUTES**

On this the 13th day of December, 2017, the 2017/2018 Charter Review Committee of the City of Burnet convened at 3:00 p.m., at the City of Burnet, Council Chambers, 2402 S. Water (Hwy. 281 South), Texas with the following members present, to-wit:

Call to Order: City Secretary, Kelly Dix called the meeting to order at 3:00 p.m.

Roll call: In attendance: David Vaughn, Charlie Zech, Kelly Dix, Crista Goble Bromley, Donna Kladstrup, Stan Hemphill, Ken Graham, Mary Jane Shanes, Paul Farmer, Calib Williams

Approval of the November 13th 2017 meeting minutes: Committee Member Stan Hemphill made a motion to approve the minutes as presented. Committee Member Mary Jane Shanes seconded, the motion carried unanimously.

Discussion and possible action on review of committee findings: Committee Member David Vaughn led the group through the compiled list of items suggested by committee members for review as follows by section:

- | | |
|---------------|--|
| Section 3.01: | Committee determined no change to leave as is. |
| Section 3.04: | Not consistent with State Law. Committee recommended keeping the first sentence and eliminating the rest of the paragraph. City Attorney review and provide committee with verbiage for the measure. |
| Section 3.05: | Committee discussed and decided to take out the election requirement and to require a super majority vote of the Council to change compensation. City Attorney will provide verbiage for a measure. |
| Section 3.06 | Committee determined to change the remove the word regular in the third sentence and reword as needed. City Attorney will provide verbiage for a measure. |
| Section 3.09: | Committee determined no change to leave as is. |
| Section 3.14 | The committed discussed and determined that the reference to section 7.14 be removed. City Attorney to review and provide committee with verbiage for the measure |

Section 4.10	The Committee discussed and recommended elimination of this section and sighted reference to State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 5.01	Committee determined no change to leave as is.
Section 5.05	The Committee determined that this section should be removed in its entirety to refer to State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 5.07	It was agreed upon by the Committee to request the City Attorney to reword this section to establish the Oath of Office be administered at the meeting that the canvass of the votes occurs. The City Attorney will provide appropriate verbiage for the measure.
Section 6.02	The Committee discussed and agreed to change the percentage of registered voters to 5%. City Attorney will provide verbiage for a measure
Section 6.03	The Committee discussed and agreed to change the percentage of registered voters to 5%. City Attorney will provide verbiage for a measure
Section 6.10	The City Attorney reviewed the entire section and advised that all sections were appropriate. The Committee determined that the percentage of registered voters for Power of Recall should change from 30% to 20%. The City Attorney will provide appropriate verbiage for the measure.
Section 7.10	Committee determined the last portion of the last sentence needs to be removed "but only if such action is made or approved by ordinance." The City Attorney will provide appropriate verbiage for the measure.
Section 7.14	The Committee discussed and recommended elimination of this section and sighted reference to State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 7.15	The Committee discussed and recommended elimination of this section and sighted reference to State Law as well as this being a part of the budget process discussed in Section 7.02. The City Attorney will provide appropriate verbiage for the measure.
Section 8.05	The Committee deemed this section unnecessary. The City Attorney will provide appropriate verbiage for the measure.
Section 8.10	The Committee deemed this section redundant to Section 7.13 and recommended elimination in its entirety. The City Attorney will provide appropriate verbiage for the measure.

Section 9.04	This is the measure that failed on the last ballot. The Committee requested the City Attorney to reword this measure for inclusion on the ballot.
Section 10.03(c)	The Committee reviewed with the City Attorney and determined that this section should be revised for compliance with State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.04	The Committee determined to strike in its entirety, repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.05	The Committee determined to strike in its entirety, repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.07	The Committee determined to strike in its entirety, repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.08	The Committee requested the City Attorney to revise for consistency with common law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.10	The Committee determined this section was repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 10.11	The Committee determined this section was repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 11.01	The Committee determined this section was repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 11.02	The Committee determined this section was repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.
Section 11.03	The Committee determined this section was repetitive of State Law. The City Attorney will provide appropriate verbiage for the measure.

Confirm next meeting date: City Secretary, Kelly Dix, confirmed the next meeting of the 2017/2018 Charter Review Committee is scheduled for Wednesday, January 3rd, 2018 at 3:00 p.m. in Council Chambers, the City Attorney has a conflict and will not be able to attend, however, he will provide the proposed measures for the Committee to review. Determination will be made on which measures will be on the ballot for May 5, 2018.

Adjourn: There being no further business Committee Member Mary Jane Shanes moved to adjourn at 4:15 p.m. Committee Member Paul Farmer seconded, the motion carried unanimously.

Kenneth Graham, Committee Chair

ATTEST:

Kelly Dix, City Secretary

DRAFT: Charter changes as of 12/13/17 provided by City Attorney

Section 3.04. - Judge of Election Qualifications.

The City Council shall be the judge of the election and qualifications of its new members. ~~The City Council shall also, at the first meeting after the filing deadline, by majority vote either approve or disapprove the Section 3.03 qualifications of each candidate. If the City Council finds that a candidate does not meet all qualifications set forth in Section 3.03, such candidate's name shall not be placed on the ballot.~~

Section 3.05. - Compensation.

The Mayor and Council Members ~~shall~~ may be compensated ~~entitled to compensation~~. The rate of compensation may be established or changed by the City Council; however, no increase in the rate of compensation shall take effect unless approved by an affirmative vote of seventy-five percent (75%) of the City Council. ~~ratified by a majority of the voters in the next regular City election.~~ The Mayor and Council Members shall be entitled, with approval by the City Council, to be reimbursed for reasonable expenses incurred in the performance of specific duties. Levels of reimbursement shall be determined by the City Council.

Section 3.06. - Mayor and Mayor Pro-tem.

The Mayor shall be the official head of the City government. The Mayor shall be the Chair and shall preside at all meetings of the City Council. The Mayor may make motions and may vote on every proposition before the City Council. While the Mayor or alternate presiding officer shall have no power to veto, he/she shall have the power to declare a delay of the initial vote on a matter until the next regular Council meeting ~~on matters related to City Ordinances~~. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.

Section 3.07. - Vacancies, Forfeiture, and Filling of Vacancies.

- A. **Vacancies.** The office of a City Council Member or the Mayor shall become vacant upon the death, incapacity, resignation, or removal from office in any manner authorized by law, or forfeiture of office by the office holder.
- B. **Forfeiture of Office.** If the Mayor or any City Council Member
 - 1. fails to maintain the qualifications set forth in Section 3.03 of this Charter (unless the residence of a member of the Council is de-annexed, then the member shall serve the remainder of his/her term of office), or

2. has been found by at least five (5) affirmative votes of the City Council to have violated any express prohibition of this Charter, or
3. is convicted of a crime involving moral turpitude or a felony, or
4. fails to attend three (3) consecutive regular Council meetings without being excused by the City Council, then the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below, or
5. ~~has more than one year remaining on their term and files to run for another elected position within the city government.~~

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below.

C. Resignation by filing or another elected position

If a City Council Member or the Mayor has more than one year remaining on their term and files to run for another elected position within the City government then said filing shall be considered a resignation of their current position. However, the resigning individual shall holdover in their current position until their successor is sworn in.

D. Filling of Vacancies.

1. When a single or double vacancy occurs in the City Council, the remaining members of the City Council may:
 - a. Appoint a qualified person to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council members; or
 - b. Order an election to fill the unexpired term(s) at the next regular general election.
2. Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law.
3. All appointments to City Council shall serve until the next regular election.
4. All appointments to City Council shall be qualified to serve pursuant to Section 3.03 of this Charter and shall take office immediately upon appointment.

Section 3.14. - Ordinances and Resolutions.

The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Burnet, Texas..." Ordinances, and formal resolutions that establish programs, adopt policy, provide any rule or regulation applicable to the general public, or establish requirements for any general administrative function of the City, shall be introduced in the City Council only in written or printed form and shall contain only one subject each.

Resolutions that give directions to the City Manager on a business matter, approve an administrative action, contract or bid, and that approve plans and actions in the course of the

day-to-day business of the City, will be sufficient if shown by recording the motion and vote in the minutes of the City Council. Ordinances making appropriations shall be confined to appropriations.

Any reference to the reading of an ordinance made in this Charter shall be understood to mean the reading of the caption of the ordinance only unless a specific request is made by any Council Member for the ordinance to be read in part or in full. Any ordinance that levies a fine or penalty or deals with the budget, taxes, franchises or public utilities or the setting of their rates shall be read at two (2) regular meetings. Such Ordinances shall be published in full or by caption with a summary in two (2) successive issues of a newspaper of general circulation in the City of Burnet and as files available for download via the Internet with the first publication at least fourteen (14) days before the final reading and passage of the Ordinance.

~~Exceptions may be made to the provisions of the previous paragraph for any ordinance introduced pursuant to, and which complies with, all requirements of Section 7.14 of this Charter, entitled "Bonds," and may be voted on for adoption or rejection at the meeting at which it is introduced without need for a second reading.~~

Comment [CZ1]: Include with Measure deleting section 7.14

No ordinance that is not an emergency ordinance or an ordinance related to Section 7.14 of this Charter, shall be finally passed until it has been read on two (2) separate days not less than twenty-four (24) hours apart.

~~Section 4.10. -- Boards and Commissions.~~

~~The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions, qualifications and responsibilities of such boards and commissions shall be delineated in the establishing ordinances.~~

~~Section 5.05. -- Official Ballot.~~

~~The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations specifying the council place for which each is seeking election.~~

~~Section 5.07. - Taking of Office.~~

~~Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvassing of the votes.~~

~~Section 6.02. - Power of Initiative.~~

~~Subject only to the limitations provided in this Article, the people of the City shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges, and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject the proposed~~

legislation at an election. An initiated ordinance may be submitted to the City Council by a petition signed by at least two hundred (200) registered voters of the City or ~~twenty five~~ percent (~~20-5~~%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Section 6.03. - Power of Referendum.

The voters of this City shall have the power to approve or reject at the polls any ordinance enacted by the City Council that is subject to the Referendum process under this Charter, except for bonds that have been legally awarded to a successful bidder or other legal obligations. The petition for Referendum shall require the signatures of at least two hundred (200) registered voters or ~~twenty five~~ percent (~~20-5~~%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Section 6.10. - Power of Recall.

The people of the City reserve the power to recall any elected officer of the City and may exercise the power by filing with the City Secretary a petition stating cause for the removal of the elected officer. Such petitions shall be signed by at least ~~thirty~~ twenty percent (~~30~~ 20%) of the registered voters of the City registered to vote at the last general election. Within fifteen (15) business days after a recall petition is filed, the City Secretary shall determine whether it is properly signed by the requisite number of registered voters residing within the City and shall verify the petition as sufficient or insufficient. If the certificate of the City Secretary shows a Recall Petition to be insufficient, the City Secretary shall notify in writing the persons filing the petition. The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The petition may then be amended within fifteen (15) business days from the date of such notice by the filing of a supplementary petition and the submitting of additional papers that are signed and filed as prescribed for the original petition. Within fifteen (15) business days after the amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. A separate petition shall be required for each officer to be recalled.

Section 7.02. - Submission of Budget and Budget Message.

On or before the 15th day of August of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year, a five (5) year projected operating budget, five (5) year capital program and an accompanying message.

Comment [CZ2]: Include with measure deleting Section 7.15

Section 7.10. - Overspending of Appropriations Prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with authorized appropriations and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it

becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made shall be illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except as prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 7.14. ~~Bonds.~~

- A. ~~**Borrowing.** The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.~~
- B. ~~**General Obligation Bonds, Notes and Certificates of Obligation.** The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds, notes and certificates of obligation and any other evidence of indebtedness authorized by State law for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds or certificates of obligation shall be issued in conformity with the laws of the State and shall be used only for the purposes for which they were issued.~~
- C. ~~**Revenue Bonds.** The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State, and to issue revenue bonds to evidence the obligation so created. Revenue bonds shall be a charge upon and payable from the properties, or interest pledged in them, or the income from them, or both. The holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation. All revenue bonds shall be issued in conformity with the laws of the State and shall be used only for the purposes for which issued.~~
- D. ~~**Bonds Incontestable.** All bonds of the City having been issued and sold and having been delivered to the purchasers shall be incontestable. All bonds issued to refund in exchange for outstanding bonds previously issued shall, after the exchange, be incontestable.~~
- E. ~~**Borrowing for Capital Improvements.** The procedure for adopting any ordinance related to this Section shall be as follows:
 - 1. A copy of the proposed ordinance shall be furnished to each member of the City Council, the City Attorney and the City Manager.
 - 2. Any ordinance considered that relates to this Section shall be adopted or rejected with or without amendment at the meeting at which it is introduced.~~

- ~~3. Any reading of an ordinance related to this Section shall be by caption only unless a reading in whole or in part is requested by any City Council member, provided that the City Council by majority vote does not deny any request for a reading of the ordinance in whole or in part.~~
- ~~4. An ordinance authorizing the issuance of obligations for other than emergency appropriations may be finally adopted at the meeting in which it is introduced. Section 3.15 shall not apply to such ordinances.~~

Section 7.15. — Capital Program.

A. — Submission to City Council. The City Manager shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.

B. — Contents. The capital program shall include

1. — a clear general summary of its contents;
2. — a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
3. — cost estimates and recommended time schedules for each improvement or other capital expenditure;
4. — method of financing upon which each capital expenditure is to rely, and
5. — the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 8.05. — Consent of Property Owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, public service or proprietary enterprise but nothing in this Article or in any franchise granted under the provisions of this Article shall ever be construed to deprive any such property owners of any right of action for damage or injury to property as now or shall later be provided by law.

Section 8.10. — Municipally Owned Utilities, Public Services and Proprietary Enterprises.

Annually, a certified public accountant will prepare, and the City Council will cause to be published, a financial report for each public utility, public service and proprietary enterprise owned or operated by the City. Each report will contain the information specified in this Section and other information as required by the City Council. The City Council will establish by ordinance the submission and inclusive dates of each report.

Section 9.04. — Comprehensive City Plan.

The City Council shall cause to be written and shall adopt a comprehensive plan for the City which shall not be inconsistent with State law. This master plan shall be reviewed and updated as needed by the City Council.

Section 10.03. - Ethics.

C. — Nepotism. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other member of the City Council or to the City

Manager shall be appointed to any office, position or clerkship or other service of the City. No person so related to the Director of Finance shall be employed under him/her. This prohibition shall not apply to a person who is a current City employee and has been a City employee for six (6) months or longer at the time of the election of the Mayor or Council Member or not less than 30 days at the time of the appointment of the City Manager or other appointed City officer.—City Council shall adhere to and comply with the applicable nepotism laws provided by State law.

~~Section 10.04. — Oath of Office.~~

All officers of the City shall, whether elected or appointed, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-tem, City Secretary or other person authorized by law to administer oaths.

~~Section 10.05. — Exemption From Execution, Garnishment and Assignment.~~

Property of the City shall not be liable for sale or appropriation by writ of execution. Funds of the City possessed by any person or entity shall not be liable to garnishment on account of any debt the City may owe nor funds or property it may have on hand owed to any person. The City and its officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

~~Section 10.08. — Notice of Claim.~~

A.— Personal Injury and Property Damage. The City shall not be held liable for a claim for the death or injury to a person or for damage to property unless the claimant or legal representative files a written statement of claim with the City Secretary within sixty (60) days after the event alleged to have caused the death, injury or damage. The statement must describe the nature and extent of the injury or damage; describe the place and circumstances of the alleged causal event; itemize by monetary amount the injury or damage; and, for personal injuries, names of witnesses, if any, to the event.

B.— Claims in General. Except as provided for by the State Constitution or in a case of conflict with State statute in this Charter, the City shall not be liable for any damages, attorneys fees, costs of court, or other monies regarding any matter whatsoever whether arising out of any action authorized by statute, for declaratory judgment, for equitable remedy, or for any damage, claim or suit arising out of contract. The person who seeks such remedy, relief or damage, or someone on his/her behalf, shall

1.— give the City Secretary notice in writing not less than thirty (30) days prior to the filing of a claim, suit or cause of action, stating specifically the allegations of and basis for the claim, suit or request for remedy; the facts, contract provisions or circumstances supporting the suit; the specific remedy or damages sought; the names of all City officers and employees against whom

there is complaint; and a list of the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and

2. —meet, confer and negotiate with the City upon request of the City Manager or the City Council for the purpose of reaching an acceptable compromise and settlement.

A. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the City Manager within ninety (90) days after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The notice requirements provided for herein do not apply if the City has actual notice that death has occurred, or that the claimant has received some injury. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

B. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred and the full extent thereof, and the amount of damage sustained. The City shall never be liable for any claim for damage or injury to real property caused by negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the amount of damage claimed. The notice requirements provided for herein do not apply if the City has actual notice that the claimant's property has been damaged. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

Section 10.10. — Sale or Lease of Real Property Other than Public Utilities or Real Property Acquired by Tax Sale.

The sale or lease of real property other than public utilities or real property acquired by tax sale shall be as provided by State law. In the event that a sale or lease of real property is not covered by State law, the following shall apply: The City Council may by ordinance sell or lease any real property owned by the City, but not for less than the appraised value determined by a certified appraiser. A sale, or lease for more than five (5) years, shall not be completed until thirty (30) days after passage of an ordinance approving the transaction. If, during that thirty (30) day period, a Referendum Petition is presented to the City Secretary who then deems it sufficient according to Article VI of this Charter, he/she shall certify the Referendum Petition to

the City Council at its next regular meeting. The City Council shall then call an election submitting the question of whether or not the sale or lease shall be concluded.

The provisions of this Section shall not apply to public utilities or to property purchased by the City at tax sales.

~~Section 10.11. — Abandonment of Streets, Alleys and Rights of Way.~~

~~The City may vacate, abandon or close a street, alley, easement or other public right of way. Any owner of property that abuts a public right of way may petition the City to vacate, abandon or close such right of way.~~

~~Any proposal by the City Council or citizen request, or upon citizen presentation of an Initiative Petition to abandon any public right of way shall first be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall notify all owners of property abutting the public right of way in question of its pending recommendation and the time when the matter will be heard by the City Council.~~

~~Thirty (30) days prior to the hearing before the Planning and Zoning Commission regarding the abandonment of a public right of way, the City shall notify, in writing, all owners of abutting property of the proposed action. The notice shall describe the street, alley, easement or other right of way to be abandoned and give the time and place of the meeting set to discuss the matter. Notice of the proposed action shall be published in a newspaper of general circulation in the City Burnet and as files available for download via the Internet.~~

~~In the event a public roadway or right of way is abandoned, the City shall determine what part of such road or right of way will not be required for another public use and shall offer the remainder of such right of way to the abutting owners in proportion to their ownership. The conveying of such property to the abutting owners shall be as provided by State law. If such is not controlled by State law and upon an abutting owner offering to purchase the right of way for the fair value, the City shall, within thirty (30) days after deposit of the fair value, deliver a deed without warranty transferring the abandoned property to the abutting owners who made the deposit.~~

~~Article XI. — Charter Amendments~~

~~Section 11.01. — Proposal of Amendments.~~

~~Amendments to this charter may be framed and proposed as follows:~~

~~A. — By Law. In any manner provided by law;~~

~~B. — By City ordinance. By an ordinance of the City Council containing the full text of the proposed amendment;~~

C. ~~By Charter Commission report.~~ By the report of a Charter Commission created by ordinance, or

D. ~~By the voters of the City.~~ Proposal of an amendment by the voters of the City shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VI for Initiative Petitions. The petition must be signed by at least three hundred (300) registered voters of the City or the number equal to at least 30 percent (30%) of the total of those registered to vote at the last regular City election, whichever number is greater. The Petitioners Committee may withdraw the petition at any time before the fifteenth (15th) day immediately preceding the day scheduled for the City vote on the amendment.

Any amendment proposed for this Charter shall contain only one subject.

~~Section 11.02. – Election.~~

~~Upon delivery to the City election authorities of the report of a Charter Commission or delivery by the City Secretary of an adoption ordinance or a petition finally determined sufficient proposing an amendment pursuant to Article VI of this Charter, the election authorities shall submit the proposed amendment to the voters of the City at an election. An election for a proposed Charter amendment shall be announced by a notice containing the complete text of the proposed amendment, shall be posted in compliance with State law and shall be published on the same day of two successive weeks in one or more newspapers of general circulation in the City and as files available for download via the Internet. The date of the first publication shall occur more than fourteen (14) days prior to the date of the election.~~

~~A Charter amendment election shall be held on the first uniform election date that is not less than sixty (60) days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. The City Council shall provide for a special election on a proposed amendment in compliance with State law. The election may be held with the regular City election.~~

~~Ballots for an amendment election shall be so designed that voters may approve or disapprove any one or more amendments without having to approve or disapprove all the amendments.~~

~~Section 11.03. – Adoption of Amendments.~~

~~Section 11.02. – Election.~~

~~Upon delivery to the City election authorities of the report of a Charter Commission or delivery by the City Secretary of an adoption ordinance or a petition finally determined sufficient proposing an amendment pursuant to Article VI of this Charter, the election authorities shall submit the proposed amendment to the voters of the City at an election. An election for a proposed Charter amendment shall be announced by a notice containing the complete text of the proposed amendment, shall be posted in compliance with State law and shall be published on the same day of two successive weeks in one or more newspapers of general circulation in the City and as files available for download via the Internet. The date of the first publication shall occur more than fourteen (14) days prior to the date of the election.~~

~~A Charter amendment election shall be held on the first uniform election date that is not less than sixty (60) days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. The City Council shall provide for a special election on a proposed amendment in compliance with State law. The election may be held with the regular City election.~~

~~Ballots for an amendment election shall be so designed that voters may approve or disapprove any one or more amendments without having to approve or disapprove all the amendments.~~

Section 11.03. -- Adoption of Amendments.

If a majority of the registered voters of the City voting on a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is fixed, 30 days after its adoption by the voters. However, in no case shall the amendment be in effect until the City Council records with the City Secretary an order declaring that the amendment is adopted. The order declaring adoption shall be entered into City records as soon as practicable following the election.

Measure 1

Section 3.04. - Judge of Election Qualifications.

The City Council shall be the judge of the election and qualifications of its new members. The City Council shall also, at the first meeting after the filing deadline, by majority vote either approve or disapprove the Section 3.03 qualifications of each candidate. If the City Council finds that a candidate does not meet all qualifications set forth in Section 3.03, such candidate's name shall not be placed on the ballot.

Section 4.10. — Boards and Commissions.

The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions, qualifications and responsibilities of such boards and commissions shall be delineated in the establishing ordinances.

Section 5.05. — Official Ballot.

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations specifying the council place for which each is seeking election.

Section 8.05. — Consent of Property Owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, public service or proprietary enterprise but nothing in this Article or in any franchise granted under the provisions of this Article shall ever be construed to deprive any such property owners of any right of action for damage or injury to property as now or shall later be provided by law.

Section 8.10. — Municipally Owned Utilities, Public Services and Proprietary Enterprises.

Annually, a certified public accountant will prepare, and the City Council will cause to be published, a financial report for each public utility, public service and proprietary enterprise owned or operated by the City. Each report will contain the information specified in this Section and other information as required by the City Council. The City Council will establish by ordinance the submission and inclusive dates of each report.

Section 10.04. — Oath of Office.

All officers of the City shall, whether elected or appointed, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-tem, City Secretary or other person authorized by law to administer oaths.

Section 10.05. — Exemption From Execution, Garnishment and Assignment.

Property of the City shall not be liable for sale or appropriation by writ of execution. Funds of the City possessed by any person or entity shall not be liable to garnishment on account of any debt the City may owe nor funds or property it may have on hand owed to any person. The City and its officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Section 10.07. — Security or Bond Not Required.

It shall not be necessary in any action, suit or proceeding in which the City may be a party for any bond, undertaking, or security to be executed in behalf of the City, but all actions, suits and proceedings shall be conducted as if a bond, undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond, undertaking or security had been executed and given.

Section 10.10. — Sale or Lease of Real Property Other than Public Utilities or Real Property Acquired by Tax Sale.

The sale or lease of real property other than public utilities or real property acquired by tax sale shall be as provided by State law. In the event that a sale or lease of real property is not covered by State law, the following shall apply: The City Council may by ordinance sell or lease any real property owned by the City, but not for less than the appraised value determined by a certified appraiser. A sale, or lease for more than five (5) years, shall not be completed until thirty (30) days after passage of an ordinance approving the transaction. If, during that thirty (30) day period, a Referendum Petition is presented to the City Secretary who then deems it sufficient according to Article VI of this Charter, he/she shall certify the Referendum Petition to the City Council at its next regular meeting. The City Council shall then call an election submitting the question of whether or not the sale or lease shall be concluded.

The provisions of this Section shall not apply to public utilities or to property purchased by the City at tax sales.

Section 10.11. — Abandonment of Streets, Alleys and Rights of Way.

The City may vacate, abandon or close a street, alley, easement or other public right of way. Any owner of property that abuts a public right of way may petition the City to vacate, abandon or close such right of way.

Any proposal by the City Council or citizen request, or upon citizen presentation of an Initiative Petition to abandon any public right of way shall first be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall notify all owners of property abutting the public right of way in question of its pending recommendation and the time when the matter will be heard by the City Council.

Thirty (30) days prior to the hearing before the Planning and Zoning Commission regarding the abandonment of a public right of way, the City shall notify, in writing, all owners of abutting property of the proposed action. The notice shall describe the street, alley, easement or other right of way to be abandoned and give the time and place of the meeting set to discuss the matter. Notice of the proposed action shall be published in a newspaper of general circulation in the City Burnet and as files available for download via the Internet.

In the event a public roadway or right of way is abandoned, the City shall determine what part of such road or right of way will not be required for another public use and shall offer the remainder of such right of way to the abutting owners in proportion to their ownership. The conveying of such property to the abutting owners shall be as provided by State law. If such is not controlled by State law and upon an abutting owner offering to purchase the right of way for the fair value, the City shall, within thirty (30) days after deposit of the fair value, deliver a deed without warranty transferring the abandoned property to the abutting owners who made the deposit.

Article XI. — Charter Amendments

Section 11.01. — Proposal of Amendments,

Amendments to this charter may be framed and proposed as follows:

- A. ~~By Law.~~ In any manner provided by law,
- B. ~~By City ordinance.~~ By an ordinance of the City Council containing the full text of the proposed amendment,
- C. ~~By Charter Commission report.~~ By the report of a Charter Commission created by ordinance, or
- D. ~~By the voters of the City.~~ Proposal of an amendment by the voters of the City shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VI for Initiative Petitions. The petition must be signed by at least three hundred (300) registered voters of the City or the number equal to at least 30 percent (30%) of the total of those registered to vote at the last regular City election, whichever number is greater. The Petitioners Committee may withdraw the petition at any time before the fifteenth (15th) day immediately preceding the day scheduled for the City vote on the amendment.

Any amendment proposed for this Charter shall contain only one subject

Section 11.02. — Election.

Upon delivery to the City election authorities of the report of a Charter Commission or delivery by the City Secretary of an adoption ordinance or a petition finally determined sufficient proposing an amendment pursuant to Article VI of this Charter, the election authorities shall submit the proposed amendment to the voters of the City at an election. An election for a proposed Charter amendment shall be announced by a notice containing the complete text of the proposed amendment, shall be posted in compliance with State law and shall be published on the same day of two successive weeks in one or more newspapers of general circulation in the City and as files available for download via the Internet. The date of the first publication shall occur more than fourteen (14) days prior to the date of the election.

A Charter amendment election shall be held on the first uniform election date that is not less than sixty (60) days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. The City Council shall provide for a special election on a proposed amendment in compliance with State law. The election may be held with the regular City election.

Ballots for an amendment election shall be so designed that voters may approve or disapprove any one or more amendments without having to approve or disapprove all the amendments.

Section 11.03. — Adoption of Amendments.

If a majority of the registered voters of the City voting on a proposed Charter amendment vote in favor if it, the amendment shall become effective at the time fixed in the amendment or, if no time is fixed, 30 days after its adoption by the voters. However, in no case shall the amendment be in effect until the City Council records with the City Secretary an order declaring that the amendment is adopted. The order declaring adoption shall be entered into City records as soon as practicable following the election.

Measure 2

Section 3.05. - Compensation.

The Mayor and Council Members ~~shall~~ may be compensated ~~entitled to compensation~~. The rate of compensation may be established or changed by the City Council; however, no increase in the rate of compensation shall take effect unless ratified by a majority of the voters in the next regular City election. The Mayor and Council Members shall be entitled, with approval by the City Council, to be reimbursed for reasonable expenses incurred in the performance of specific duties. Levels of reimbursement shall be determined by the City Council.

Measure 3

Section 3.06. - Mayor and Mayor Pro-tem.

The Mayor shall be the official head of the City government. The Mayor shall be the Chair and shall preside at all meetings of the City Council. The Mayor may make motions and may vote on every proposition before the City Council. While the Mayor or alternate presiding officer shall have no power to veto, he/she shall have the power to declare a delay of the initial vote on a matter until the next regular Council meeting ~~on matters related to City Ordinances~~. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.

Measure 4

Section 3.07. - Vacancies, Forfeiture, and Filling of Vacancies.

- A. **Vacancies.** The office of a City Council Member or the Mayor shall become vacant upon the death, incapacity, resignation, or removal from office in any manner authorized by law, or forfeiture of office by the office holder.
- B. **Forfeiture of Office.** If the Mayor or any City Council Member
 1. fails to maintain the qualifications set forth in Section 3.03 of this Charter (unless the residence of a member of the Council is de-annexed, then the member shall serve the remainder of his/her term of office), or
 2. has been found by at least five (5) affirmative votes of the City Council to have violated any express prohibition of this Charter, or

3. is convicted of a crime involving moral turpitude or a felony, or
4. fails to attend three (3) consecutive regular Council meetings without being excused by the City Council, then the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below, or
5. ~~has more than one year remaining on their term and files to run for another elected position within the city government.~~

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below.

C. Resignation by filing or another elected position

If a City Council Member or the Mayor has more than one year remaining on their term and files to run for another elected position within the City government then said filing shall be considered a resignation of their current position. However, the resigning individual shall holdover in their current position until their successor is sworn in to office.

D. Filling of Vacancies.

1. When a single or double vacancy occurs in the City Council, the remaining members of the City Council may:
 - a. Appoint a qualified person to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council members; or
 - b. Order an election to fill the unexpired term(s) at the next regular general election.
2. Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law.
3. All appointments to City Council shall serve until the next regular election.
4. All appointments to City Council shall be qualified to serve pursuant to Section 3.03 of this Charter and shall take office immediately upon appointment.

Measure 5

~~Section 7.14. — Bonds.~~

- ~~A. **Borrowing.** The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.~~
- ~~B. **General Obligation Bonds, Notes and Certificates of Obligation.** The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds, notes and certificates of obligation and any other evidence of indebtedness authorized by State law for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds or certificates of obligation shall be issued in conformity with the laws of the State and shall be used only for the purposes for which they were issued.~~

- ~~C. **Revenue Bonds.** The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State, and to issue revenue bonds to evidence the obligation so created. Revenue bonds shall be a charge upon and payable from the properties, or interest pledged in them, or the income from them, or both. The holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation. All revenue bonds shall be issued in conformity with the laws of the State and shall be used only for the purposes for which issued.~~
- ~~D. **Bonds Incontestable.** All bonds of the City having been issued and sold and having been delivered to the purchasers shall be incontestable. All bonds issued to refund in exchange for outstanding bonds previously issued shall, after the exchange, be incontestable.~~
- ~~E. **Borrowing for Capital Improvements.** The procedure for adopting any ordinance related to this Section shall be as follows:~~
- ~~1. A copy of the proposed ordinance shall be furnished to each member of the City Council, the City Attorney and the City Manager.~~
 - ~~2. Any ordinance considered that relates to this Section shall be adopted or rejected with or without amendment at the meeting at which it is introduced.~~
 - ~~3. Any reading of an ordinance related to this Section shall be by caption only unless a reading in whole or in part is requested by any City Council member, provided that the City Council by majority vote does not deny any request for a reading of the ordinance in whole or in part.~~
 - ~~4. An ordinance authorizing the issuance of obligations for other than emergency appropriations may be finally adopted at the meeting in which it is introduced. Section 3.15 shall not apply to such ordinances.~~

Section 3.14. - Ordinances and Resolutions.

The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Burnet, Texas..." Ordinances, and formal resolutions that establish programs, adopt policy, provide any rule or regulation applicable to the general public, or establish requirements for any general administrative function of the City, shall be introduced in the City Council only in written or printed form and shall contain only one subject each.

Resolutions that give directions to the City Manager on a business matter, approve an administrative action, contract or bid, and that approve plans and actions in the course of the day-to-day business of the City, will be sufficient if shown by recording the motion and vote in the minutes of the City Council. Ordinances making appropriations shall be confined to appropriations.

Any reference to the reading of an ordinance made in this Charter shall be understood to mean the reading of the caption of the ordinance only unless a specific request is made by any Council Member for the ordinance to be read in part or in full. Any ordinance that levies a fine or penalty or deals with the budget, taxes, franchises or public utilities or the setting of their rates shall be read at two (2) regular meetings. Such Ordinances shall be published in full or by caption with a summary in two (2) successive issues of a newspaper of general circulation in the City of Burnet and as files available for

download via the Internet with the first publication at least fourteen (14) days before the final reading and passage of the Ordinance.

Exceptions may be made to the provisions of the previous paragraph for any ordinance introduced pursuant to, and which complies with, all requirements of Section 7.14 of this Charter, entitled "Bonds," and may be voted on for adoption or rejection at the meeting at which it is introduced without need for a second reading.

Comment [CZ1]: Include with Measure deleting section 7.14

No ordinance that is not an emergency ordinance or an ordinance related to Section 7.14 of this Charter, shall be finally passed until it has been read on two (2) separate days not less than twenty-four (24) hours apart.

Comment [CZ2]: Include with Measure deleting section 7.14

Measure 6

Section 5.07. - Taking of Office.

Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvassing of the votes.

Measure 7

Section 6.02. - Power of Initiative.

Subject only to the limitations provided in this Article, the people of the City shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges, and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject the proposed legislation at an election. An initiated ordinance may be submitted to the City Council by a petition signed by at least two hundred (200) registered voters of the City or ~~twenty five~~ percent (20-5%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Section 6.03. - Power of Referendum.

The voters of this City shall have the power to approve or reject at the polls any ordinance enacted by the City Council that is subject to the Referendum process under this Charter, except for bonds that have been legally awarded to a successful bidder or other legal obligations. The petition for Referendum shall require the signatures of at least two hundred (200) registered voters or twenty five percent (20 5%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Measure 8

Section 6.10. - Power of Recall.

The people of the City reserve the power to recall any elected officer of the City and may exercise the power by filing with the City Secretary a petition stating cause for the removal of the elected officer. Such petitions shall be signed by at least five hundred (500) registered voters or thirty ten percent (3 10%) of the registered voters of the City registered to vote at the last general election. Within fifteen (15) business days after a recall petition is filed, the City Secretary shall determine whether it is properly signed by the requisite number of registered voters residing within the City and shall verify the petition as sufficient or insufficient. If the certificate of the City Secretary shows a Recall Petition to be insufficient, the City Secretary shall notify in writing the persons filing the petition. The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The petition may then be amended within fifteen (15) business days from the date of such notice by the filing of a supplementary petition and the submitting of additional papers that are signed and filed as prescribed for the original petition. Within fifteen (15) business days after the amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. A separate petition shall be required for each officer to be recalled.

Measure 9

Section 7.10. - Overspending of Appropriations Prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with authorized appropriations and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made shall be illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except as prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to

prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Measure 10

Section 7.02. - Submission of Budget and Budget Message.

On or before the 15th day of August of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year, a five (5) year projected operating budget, five (5) year capital program and an accompanying message.

Comment [CZ3]: Include with measure deleting Section 7.15

~~Section 7.15. - Capital Program.~~

~~A. **Submission to City Council.** The City Manager shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.~~

~~B. **Contents.** The capital program shall include~~

- ~~1. a clear general summary of its contents;~~
- ~~2. a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;~~
- ~~3. cost estimates and recommended time schedules for each improvement or other capital expenditure;~~
- ~~4. method of financing upon which each capital expenditure is to rely, and~~
- ~~5. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

~~The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.~~

~~Section 7.16. - City Council Action on Capital Program.~~

~~A. **Notice and Hearing.** The City Council shall publish in one or more newspapers of general circulation in the 1 as files available for download via the Internet the general summary of the capital program and a notice sta following:~~

- ~~1. The times and places where copies of the capital program are available for inspection by the public.~~
- ~~2. The time and place, not less than two weeks after such publication, for a public hearing on the capital program.~~

~~Adoption. The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the last month of the current fiscal year~~

Measure 11

~~Section 9.04. — Comprehensive City Plan.~~

~~The City Council shall cause to be written and shall adopt a comprehensive plan for the City which shall not be inconsistent with State law. This master plan shall be reviewed and updated as needed by the City Council.~~

Measure 12

~~Section 10.03. - Ethics.~~

~~C. — Nepotism. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other member of the City Council or to the City Manager shall be appointed to any office, position or clerkship or other service of the City. No person so related to the Director of Finance shall be employed under him/her. This prohibition shall not apply to a person who is a current City employee and has been a City employee for six (6) months or longer at the time of the election of the Mayor or Council Member or not less than 30 days at the time of the appointment of the City Manager or other appointed City officer. — City Council shall adhere to and comply with the applicable nepotism laws provided by State law.~~

Measure 13

~~Section 10.08. — Notice of Claim.~~

~~A. — Personal Injury and Property Damage. The City shall not be held liable for a claim for the death or injury to a person or for damage to property unless the claimant or legal representative files a written statement of claim with the City Secretary within sixty (60) days after the event alleged to have caused the death, injury or damage. The statement must describe the nature and extent of the injury or damage; describe the place and circumstances of the alleged causal event; itemize by monetary amount the injury or damage; and, for personal injuries, names of witnesses, if any, to the event.~~

~~B. — Claims in General. Except as provided for by the State Constitution or in a case of conflict with State statute in this Charter, the City shall not be liable for any damages, attorneys fees, costs of court, or other monies regarding any matter whatsoever whether arising out of any action authorized by statute, for declaratory judgment, for equitable remedy, or for any damage, claim or suit arising out of contract. The person who seeks such remedy, relief or damage, or someone on his/her behalf, shall~~

~~1. — give the City Secretary notice in writing not less than thirty (30) days prior to the filing of a claim, suit or cause of action, stating specifically the allegations of and basis for the claim, suit or request for remedy; the facts, contract provisions or circumstances supporting the suit; the specific remedy or damages sought; the names of all City officers and employees against whom there is complaint; and a list of the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and~~

2. ~~meet, confer and negotiate with the City upon request of the City Manager or the City Council for the purpose of reaching an acceptable compromise and settlement.~~

A. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause or action under the law by reason of such death injury, shall file a notice in writing with the City Manager within ninety (90) days after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The notice requirements provided for herein do not apply if the City has actual notice that death has occurred, or that the claimant has received some injury. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

B. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred and the full extent thereof, and the amount of damage sustained. The City shall never be liable for any claim for damage or injury to real property caused by negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the amount of damage claimed. The notice requirements provided for herein do not apply if the City has actual notice that the claimant's property has been damaged. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

Sec. 3.10. - Prohibitions.

- A. Holding other office.** Except where authorized by law, no Member of City Council shall hold any other City office or employment by the City during the term for which he was elected to the City Council, and no former Member of City Council shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was elected to the City Council.
- B. Appointments and removals.** Neither the City Council nor any City Council Member shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may, at a properly noticed meeting, express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- C. Interference with administration.** Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council and City Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor City Council Members shall give orders to any such officer or employee, either publicly or privately.
- D. Admission of liability.** Neither the City Council nor City Council Members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

Sec. 4.07. - Prohibitions.

- (a) Holding other Office.** No Mayor or Councilmember shall hold any compensated City office or employment until two (2) years after the expiration of the term for which he or she was elected to the City Council.
- (b) Appointments and Removals.** Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his or her subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration.** Except for the purpose of inquiries, unless otherwise provided in this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) Admission of Liability. Neither the City Council nor any of its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

(e) Conflicts of Interest. It is hereby prohibited for the Mayor or Council Member or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171 as amended or its successor. For purposes of this Section term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171 as amended or its successor.

(f) Attorney Client Privilege. It shall be unlawful for the Mayor or a Council Member to release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney client-privilege and it may only be waived by an affirmative vote of two-thirds of the City Council.

Section 3.09 - Prohibitions.

- A. No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.
- B. No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.
- C. Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council as whole and its individual members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.
- D. It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment. The City Council or its members will not interfere in any manner with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Measure 1 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION A

The Amendment of the City Charter eliminating those provisions which are redundant of or in conflict with State Law.

FOR _____ AGAINST _____

Measure 2 and shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION B

The Amendment of the City Charter changing providing that City Council members “may” be compensated rather than “shall” be compensated.

FOR _____ AGAINST _____

Measure 3 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION C

The Amendment of the City Charter clarifying that the Mayor’s authority to delay a vote is not indefinite.

FOR _____ AGAINST _____

Measure 4 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION D

The Amendment of the City Charter clarifying that an Council Member who resigns to run for another City office remains in office until their successor is qualified and sworn in to office.

FOR _____ AGAINST _____

Measure 5 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION E

The Amendment of the City Charter eliminating the provisions related to the City's authority to issue bonds as duplicate of the authority provided for in State law.

FOR _____ AGAINST _____

Measure 6 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION F

The Amendment of the City Charter to provide that Council Members shall be inducted into office at the same City Council meeting that the votes are canvassed.

FOR _____ AGAINST _____

Measure 7 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION G

The Amendment of the City Charter to provide that initiative and referendum petitions must be signed by five (5) percent of the number of voters registered to vote at the last general City election, and that recall petitions must be signed by qualified voters of the City equal in number to at least twenty (20) percent of the number of voters registered to vote at the last general City election.

FOR _____ AGAINST _____

Measure 8 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION H

The Amendment of the City Charter to provide that recall petitions must be signed by qualified voters of the City equal in number to at least ten (10) percent of the number of voters registered to vote at the last general City election or five hundred (500) registered voters whichever is greater.

FOR _____ AGAINST _____

Measure 9 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION I

The Amendment of the City Charter eliminating the requirement that the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year be accomplished by ordinance.

FOR _____

AGAINST _____

Measure 10 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION J

The Amendment of the City Charter requiring the City Manager to submit a five (5) year capital program with the annual budget.

FOR _____

AGAINST _____

Measure 11 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION K

The Amendment of the City Charter eliminating the requirement of the creation of comprehensive plan.

FOR _____

AGAINST _____

Measure 12 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION L

The Amendment of the City Charter requiring City Council and City Staff to comply with state nepotism laws.

FOR _____

AGAINST _____

Measure 13 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION M

The Amendment of the City Charter providing notice of claims against the City consistent with State law.

FOR _____

AGAINST _____