



NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the above named City on the **13th day of February, 2018** at **6:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, 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.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. CITIZEN INPUT ITEM:

1.1) Live Oak Park Renovation Project: A. Travis Williams

2. PUBLIC RECOGNITION/SPECIAL REPORTS:

2.1) Langley Construction Update Report: Wade Langley

3. CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

3.1) Approval of the January 23, 2018 Regular Council Meeting minutes

4. PUBLIC HEARINGS:

4.1) Public Hearing: The City Council will conduct a public hearing regarding the proposed annexation of 1.874 acres of land situated in Burnet County, Texas, out of the Eugenio Perez Survey No. 41, Abstract No. 672, the Lemuel Taylor Survey No. 8, Abstract No. 800, and the Sam Hazlott Survey No. 6, Abstract No. 401, also being out of the occupied right-of-way of Burnet County Road No. 340-A, Burnet County, Texas, and further described as being the 100 through 400 blocks of John

W. Hoover Prky. E. Milliorn

5. ACTION ITEMS:

5.1) Discuss and consider action: SECOND READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-27 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: D.VAUGHN

5.2) Discuss and consider action: SECOND READING OF AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF BURNET; DESIGNATING MAY 5, 2018 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE: K. Dix

SEGUNDA Y ÚLTIMA LECTURA DE UNA ORDENANZA ORDENAR UNA ELECCIÓN ESPECIAL A REALIZARSE EN LA CUESTIÓN DE LA ADOPCIÓN DE ENMIENDAS A LA CONSTITUCIÓN DE LA CIUDAD DE PIMPINELA; DESIGNACIÓN DE 05 DE MAYO DE 2018 COMO LA FECHA DE LA ELECCIÓN ESPECIAL; PRESCRIPCIÓN DE LA FORMA DE LA BOLETA; DESIGNAR EL LUGAR DE VOTACIÓN; PROPORCIONAR EL MÉTODO DE VOTACIÓN; PREVENIR VOTACIÓN DE AUSENTE; PROPORCIONAR AVISO DE LA ELECCIÓN; Y PROPORCIONAR UNA FECHA EFECTIVA: K. Dix

5.3) Discuss and consider action: SECOND READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell

5.4) Discuss and consider action: Planning and Zoning Commission Appointments: M. Lewis

5.5) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE ANNEXATION, OF 1.874 ACRES OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, THE LEMUEL TAYLOR SURVEY NO. 8, ABSTRACT NO. 800 AND THE SAM HAZLOTT SURVEY NO. 6, ABSTRACT NO. 401, ALSO BEING OUT OF THE OCCUPIED RIGHT-OF-WAY OF JOHN W. HOOVER PARKWAY, BURNET COUNTY, TEXAS; DIRECTING THE

CITY SECRETARY TO FILE THIS ORDINANCE WITH THE COUNTY CLERK OF THE COUNTY OF BURNET; ADOPTING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: E. Milliorn

5.6) Discuss and consider action: Authorizing repairs and improvements to the City of Burnet Animal Shelter: P. Nelson

5.7) Discuss and consider action: Appointment to Police Department Facility Committee: D. Vaughn

5.8) Discuss and consider action: Direction to staff regarding the Freeport Tax Exemption: D. Vaughn

5.9) Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford

5.10) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 94 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY ESTABLISHING A NEW ARTICLE III. – “WIRELESS NETWORK PROVIDERS” FOR THE PURPOSE OF REGULATION THE USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; CREATING AND REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING PROCEDURES AND TIME PERIODS FOR ACCEPTING AND PROCESSING PERMIT APPLICATIONS; PROVIDING APPLICATION AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL FEES; RESTRICTING PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS; RESIDENTIAL AREAS, AND HISTORIC DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: G. Courtney

5.11) Discuss and consider action: Authorize the City Manager to execute an agreement for maintenance of the cemeteries: G. Courtney

6. REPORTS:

6.1) Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

6.1(E.3) Police Department Racial Profiling Report: P. Nelson

7. CONVENE TO EXECUTIVE SESSION:

7.1) Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.086; Deliberations concerning municipally owned utility: pertaining to LCRA wholesale power purchasing options: G. Courtney

The City Council may take action on any of the matters considered in executive session once the City Council reconvenes in open session.

8. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

8.1) Discuss and consider action: LCRA purchasing options for wholesale power: G. Courtney

9. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

10. ADJOURN:

Dated this 9th day, of February, 2018

CITY OF BURNET

CRISTA GOBLE BROMLEY, MAYOR

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of 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 February 9, 2018, at or before 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

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.

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY OF BURNET
REQUEST FOR CITIZEN COMMUNICATION ON THE AGENDA

ITEM 1.1

INSTRUCTIONS: The City of Burnet Council Meeting is held on the second and fourth Tuesday of the month in Council Chambers. To request appearance before the Council, please complete and return this form along with all associated documents to the City Secretary of the City of Burnet no later than noon on the Friday prior to the Tuesday Council Meeting. The Council Meeting agenda will be officially posted at City offices and on the City of Burnet website at www.cityofburnet.com by 5:00 p.m. on the Friday prior to the Tuesday Council Meeting. Your request for appearance will be listed on the agenda under Special Reports/Public Recognition. The Mayor will invite you to the podium and you will be given five minutes to complete your presentation. Due to restrictions in the Gov. Code Chapter 551, as amended, Open Meetings Act, deviations from the submitted agenda cannot be heard. In the event you must cancel the appearance, please notify the City Secretary by noon on the day of your scheduled appearance at (512) 715-3209 or by email at kdix@cityofburnet.com

NAME: A. Travis Williams PHONE: (830) 613-9738
(Where you can be reached M-F, 8-5)

REPRESENTING: Austin Williams, Erica Hughes, John Williams

ADDRESS: 801 CR 200A CITY Burnet STATE TX ZIP 78611

REQUESTED DATE OF APPEARANCE: February 13, 2018

PURPOSE OF REQUEST SUMMARY: (include any items or actions you are requesting) Planned Renovation of Live Oak Park

AGENDA: (be as specific as possible) Requesting input and voicing concerns related to the planned renovation for Live Oak Park.

2-9-2018

Date of Request

See attached Email

Signature of Applicant

RECEIVED BY PUBLIC INFORMATION OFFICER ON 2-9-2018

SCHEDULED FOR APPEARANCE ON: 2-13-2018

CHANGES OR CANCELLATIONS:

SIGNATURE OF PIO: Kelly Dix Date 2-9-2018

Time Received: 8:25 a.m.

Kelly Dix

From: David Vaughn
Sent: Friday, February 09, 2018 8:19 AM
To: Austin Williams
Cc: Erica Hughes; John Williams; Kelly Dix
Subject: RE: Live Oak Park Revovation: community input requested

Mr. Williams,

I have cc'd Kelly Dix, City Secretary, on this email. She will place a citizens input item on next Tuesday's agenda to give you an opportunity to share your thoughts and concerns with the City Council. The council meeting is at 6pm in the CAF building at the airport.

All of this came together rather quickly last Fall and I too wanted to have a public input process, however unfortunately the grant deadline did not give sufficient time to have a public input process.

I am checking as well to find out why you did not receive a notice. We get our information from the appraisal district, which sometimes takes a while to update, but in this case you have owned that property long enough that should not have been an issue.

Please let me know if you have any other questions.

Best regards,

David Vaughn

City Manager
City of Burnet
(o) 512-715-3208
dvaughn@cityofburnet.com

From: Austin Williams [<mailto:atraviswilliams@yahoo.com>]
Sent: Thursday, February 8, 2018 8:48 PM
To: David Vaughn
Cc: Austin Williams; Erica Hughes; John Williams
Subject: Live Oak Park Revovation: community input requested

Dear Mr. Vaughn,

I am very excited about the renovations planned at Live Oak Park. I have been a Burnet resident for 10 years and love this community. My brother and I each purchased homes on Pecan Street adjacent to the park that are leased properties. I have concerns over the large pavilion planned as well as the public restroom, which will both be directly behind our properties. As registered property owners, we were not adequately notified of the hearing on variance that occurred in January. Notice was sent only to the home address and not the owners of these properties.

I am requesting time to discuss my concerns to the council at the next meeting. The current plans did not include input from any of the residents. I have had the opportunity to speak to several residents who have similar concerns about not being included in the plans. I believe an opportunity has been missed to interact with the residents in the community to give appropriate input into the vision of development of this park.

I have several ideas which I would like to share at the meeting. I would like to see a plan more aesthetically pleasing to residents and visitors to the park, as well as improve the functionality of the park. Thank you for your consideration.

Sincerely,

A. Travis Williams
801 County Road 200A
Burnet, TX 78611

cell: 830-613-9738

STATE OF TEXAS {}
COUNTY OF BURNET {}
CITY OF BURNET {}

ITEM 3.1

On this the 23rd day of January, 2018, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Paul Farmer, Tres Clinton, Joyce Laudenschlager, Cindia Talamantez, Milton Phair, Danny Lester

City Manager David Vaughn

City Secretary Kelly Dix

Guests: James B. Wilson, Mark Lewis, Evan Milliorn, Gene Courtney, Mark Ingram, Patricia Langford, Paul Nelson, Alan Burdell, Roger Moore, Kim Winkler, Cresta Tate, Damon Beierle, Wade Langley

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 6:00 p.m.

INVOCATION: Council Member Paul Farmer

PLEDGE OF ALLEGIANCE: Council Member Milton Phair

PLEDGE TO TEXAS FLAG: Council Member Milton Phair

PUBLIC RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: Board President Roger Moore introduced the new members to the Chamber of Commerce Board, which included, Wade Langley, Cresta Tate, Laura Cheney, Mark Lunsford, April Gordon, and Damon Beierle. Christmas on the Square was a huge success and thanks were given to the City Council and Staff for the City's contribution of the snow feature. Mr. Moore reminded Council of the Chamber Banquet to be held at the Burnet Community Center on February 17, 2018 and reviewed the nominee list for this year's awards.

City of Burnet Municipal Court Quarterly Report: Judge Peggy Simon: Judge Simon provided Council with a brief synopsis of the legislative updates for the Court she received from her annual training seminar. Judge Simon reviewed the quarterly court financial report with Council.

CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

Approval of the January 9, 2018 Council Workshop Meeting minutes

Approval of the January 9, 2018 Regular City Council Meeting minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Milton Phair seconded, the motion carried unanimously.

PUBLIC HEARING: The City Council will conduct a public hearing regarding the proposed annexation of 1.874 acres of land situated in Burnet County, Texas, out of the Eugenio Perez Survey No. 41, Abstract No. 672, the Lemuel Taylor Survey No. 8, Abstract No. 800, and the Sam Hazlott Survey No. 6, Abstract No. 401, also being out of the occupied right-of-way of Burnet County Road No. 340-A, Burnet County, Texas, and further described as being the 100 through 400 blocks of John W. Hoover Parkway: E. Milliorn: Mayor Bromley opened the public hearing and invited anyone interested in speaking to approach the podium. There being no one wishing to speak,

Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 98— SUBDIVISIONS BY ADOPTING A NEW SECTION 98-9 – CONSTRUCTION STANDARDS MANUAL; REPEALING ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: G. Courtney: Council Member Danny Lester made a motion to approve and adopt Ordinance No. 2018-01 as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 5, 2018, TO ELECT THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS: K. Dix

UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 5 DE MAYO DE 2018, PARA ELEGIR EL TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS: Council Member Paul Farmer made a motion to approve Resolution No. R2018-01, ordering the May 5, 2018 General Election as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-27 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: D.VAUGHN: Council Member Joyce Laudenschlager made a motion to approve the first reading of Ordinance No. 2018-02 as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: Authorization for the City Manager to execute a contract for the sale of 1.409 acres of land located near the intersection of Industrial Blvd. and CR 340A, described as Lot 1 of the Lemual Taylor Survey: D. Vaughn: Council Member Tres Clinton made a motion to authorize the City Manager to execute a contract for the sale of 1.409 acres of land located near the intersection of Industrial Blvd. and CR 340A, described as Lot 1 of the Lemual Taylor Survey, as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Authorization to re-instate the part time shift for EMS personnel: M. Ingram: Council Member Danny Lester made a motion to re-instate the part time shift to EMS personnel. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF BURNET; DESIGNATING MAY 5, 2018 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE: K. Dix

UNA ORDENANZA DE ORDENAR UNA ELECCIÓN ESPECIAL QUE SE CELEBRARÁ EN LA CUESTIÓN DE LA ADOPCIÓN DE ENMIENDAS A LA CONSTITUCIÓN DE LA CIUDAD DE

BURNET; DESIGNACIÓN DE 5 DE MAYO DE 2018 COMO FECHA DE LA ELECCIÓN ESPECIAL; PRESCRIPCIÓN DE LA FORMA DE LA BOLETA; DESIGNAR EL LUGAR DE VOTACIÓN; PROPORCIONAR PARA EL MÉTODO DE VOTACIÓN; PREVEN AUSENTE VOTACIÓN; PROPORCIONAR PARA LA NOTIFICACIÓN DE LA ELECCIÓN; Y PROPORCIONAR UNA FECHA EFECTIVA: K. Dix:

Council Member Milton Phair made a motion to approve the first reading of Ordinance No. 2018-03 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: C. MAXWELL: Council Member Danny Lester made a motion to approve the first reading of Ordinance No. 2018-04 as presented. Council Member J Milton Phair seconded, the motion carried unanimously.

REPORTS:

Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

Economic Development Corporation Update Report: E. Milliorn: Evan Milliorn, Administrative Services, presented a power point reviewing the current projects the Economic Development Corporation has been working on for the past quarter. The Projects include, My Town, The Summer Series, Cottages at Westfall and the Badger Building. There are several real estate negotiations in process at this time, but are not at the point of disclosure.

December 2017 Financial Reports: P. Langford: Patricia Langford, Director of Finance, presented the December 2017 Financial Report. Ms. Langford reviewed current fund balances, revenues and expenses.

Police Department K-9 Report: P. Nelson: Police Chief Paul Nelson briefed the Council on Officer Kuso's accomplishments for the past quarter to include, assists with drug confiscation, community outreach and searches with the Sheriff's Department.

ISO Rating Update: Fire Chief Mark Ingram updated the Council on the results of the recent ISO audit. The City is now at a rating of 2. This rating is extremely beneficial for the City's residents, qualifying them for a possible reduction in insurance rates.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Joyce Laudenschlager at 7:02 p.m., seconded by Council Member Paul Farmer. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Administration

ITEM 4.1

Evan Milliorn
Administrative Services
(512) 715 - 3200
emilliorn@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Public Hearing: The City Council will conduct a public hearing regarding the proposed annexation of 1.874 acres of land situated in Burnet County, Texas, out of the Eugenio Perez Survey No. 41, Abstract No. 672, the Lemuel Taylor Survey No. 8, Abstract No. 800, and the Sam Hazlott Survey No. 6, Abstract No. 401, also being out of the occupied right-of-way of Burnet County Road No. 340-A, Burnet County, Texas, and further described as being the 100 through 400 blocks of John W. Hoover Prky. E. Milliorn

Background: This is the second and final public hearing regarding the annexation of John W. Hoover Parkway (See Exhibit A).

Information: On December 21, 2017, the City mailed certified notice of the January 23 public hearing to the ten owners of property abutting the right-of-way to be annexed. Notice was also provided to those public entities that must be notified under State Law. Notice was also published in the Burnet Bulletin on January 10, 2018.

Any party wishing to protest the proposed annexation may do so in writing. Saturday, January 20 is the last day on which such a protest may be filed.

As of January 18, 2018, the date on which this report is being prepared, staff has not received comments of any kind regarding the proposed annexation.

The purpose of this hearing is solely to take public comment. No other City Council action is required at this time.

Fiscal Impact: None.

Recommendation: Conduct the second and final public hearing. No action at this time.

EXHIBIT A
John W. Hoover Parkway Location





City Manager

ITEM 5.1

David Vaughn
City Manager
(512) 715 - 3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-27 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: D. VAUGHN

Background: During the workshop at the previous meeting regarding the proposed charter amendments, Council indicated their desire to eliminate Council compensation, which would ultimately allow more citizens to be eligible to serve on the Council.

Information: The proposed ordinance eliminates Council compensation as requested by the Council.

There have been no changes to Ordinance 2018-02 since the first reading on January 23, 2018,

Fiscal Impact:

Recommendation: Staff recommends approval and adoption of Ordinance 2018-02 as presented.

ORDINANCE NO.: 2018-02

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 2, ARTICLE II, SECTION 2-27 OF THE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE' PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Burnet, Texas (the "City Council") is entitled to compensation under Section 3.05 of the City Charter; and

WHEREAS, the Chapter 2, Article II, Section 2-27 of the City of Burnet Code of Ordinances establishes the amount of compensation received by the Mayor and each City Council Member; and

WHEREAS, the Texas Constitution and state law may prevent citizens of the City of Burnet from being eligible to be a City Council Member, if Council Members receive compensation; and

WHEREAS, the City Council wishes to amend Chapter 2, Article II, Section 2-27 to ensure more citizens are eligible to serve on the City Council.

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

Section 1. Findings. The foregoing recitals are hereby adopted by the City Council and made a part here of for all purposes as findings of fact.

Section 2. Amendments. Chapter 2, Article II, Section 2-27 shall be amended in its entirety as follows:

Sec. 2-27. Compensation for Mayor and Councilmembers.

The Mayor and each City Council Member shall serve without compensation. However, the Mayor and/or Council Members may receive reimbursement for expenses incurred in the performance of their duties.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any

such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act Chapt. 551. Tex. Gov't. Code.

PASSED AND APPROVED on first reading this the 23rd day of January, 2018.

FINALLY PASSED AND APPROVED on second reading the 13th day of February, 2018.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 5.2

Kelly Dix
City Secretary
(512)-756-6093 ext. 3209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF BURNET; DESIGNATING MAY 5, 2018 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE: K. Dix
SEGUNDA Y ÚLTIMA LECTURA DE UNA ORDENANZA ORDENAR UNA ELECCIÓN ESPECIAL A REALIZARSE EN LA CUESTIÓN DE LA ADOPCIÓN DE ENMIENDAS A LA CONSTITUCIÓN DE LA CIUDAD DE PIMPINELA; DESIGNACIÓN DE 05 DE MAYO DE 2018 COMO LA FECHA DE LA ELECCIÓN ESPECIAL; PRESCRIPCIÓN DE LA FORMA DE LA BOLETA; DESIGNAR EL LUGAR DE VOTACIÓN; PROPORCIONAR EL MÉTODO DE VOTACIÓN; PREVÉN VOTACIÓN DE AUSENTE; PROPORCIONAR AVISO DELA ELECCIÓN; Y PROPORCIONAR UNA FECHA EFECTIVA: K. Dix

Background: The City of Burnet Charter Committee was appointed by Council in October, 2017 to review the City's Charter. The committee has completed the review. There are a total of thirty measures and fourteen recommended propositions for the May ballot for Council review.

Information: It will be necessary to hold a Special Election on May 5, 2018 to present the proposed amendment to the citizens of Burnet for a vote.

Measures 15, 16 and 17 were added since the first reading of Ordinance 2018-03. Measure 15 was added to address Prohibitions of the Charter. Measure 17 was added to provide for a penalty for prohibition violations of the Charter. Measure 16 was added to clear up verbiage used pertaining to vacancies on the Council.

Fiscal Impact: None.

Recommendation: Approve and adopt Ordinance 2018-03 as presented calling a Special Election to be held on the question of the adoption of amendment to the Charter of the City of Burnet, on May 5, 2018.

ORDINANCE 2018-03
ORDENANZA 2018-03

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF BURNET; DESIGNATING MAY 5, 2018 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; DESIGNATING THE POLLING PLACE; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

UNA ORDENANZA DE ORDENAR UNA ELECCIÓN ESPECIAL QUE SE CELEBRARÁ EN LA CUESTIÓN DE LA ADOPCIÓN DE ENMIENDAS A LA CONSTITUCIÓN DE LA CIUDAD DE BURNET; DESIGNACIÓN DE 5 DE MAYO DE 2018 COMO FECHA DE LA ELECCIÓN ESPECIAL; PRESCRIPCIÓN DE LA FORMA DE LA BOLETA; DESIGNAR EL LUGAR DE VOTACIÓN; PROPORCIONAR PARA EL MÉTODO DE VOTACIÓN; PREVENIR AUSENTE VOTACIÓN; PROPORCIONAR PARA LA NOTIFICACIÓN DE LA ELECCIÓN; Y PROPORCIONAR UNA FECHA EFECTIVA.

WHEREAS, the City Council of the City of Burnet, Texas, in the exercise of the discretion reposed in it by the laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code, has determined to submit the following proposed amendments to the existing Charter of the City of Burnet at a special election to be held on May 5, 2018, and

***Considerando que**, el Ayuntamiento de la ciudad de Burnet, Texas, en el ejercicio de la discreción depositada en él por las leyes de este estado y de conformidad con las disposiciones del capítulo 9 del código de Gobierno Local de Texas, ha decidido a presentar las siguientes enmiendas a la carta vigente de la ciudad de Burnet en una elección especial que se celebrará el 5 de mayo 2018, y*

WHEREAS, the laws of the State of Texas further provide that Section 3.001 of the Election Code of the State of Texas is applicable to said elections, and in order to comply with said Code, an Order should be passed ordering said election and establishing the procedure to be followed in said election, and designating the voting place for said election; and

***Considerando que**, proporcionan las leyes del estado de Texas que 3.001 de la sección del código electoral del estado de Texas es aplicable a dicho las elecciones, y para cumplir con dicho código, se debe pasar un pedido pedido dicha elección y establecer el procedimiento a seguir en dicha elección y designar la votación lugar para dicha elección; y*

WHEREAS, on October 24, 2017, the City Council appointed persons to a Charter Review Committee ("CRC"), and charged the CRC with reviewing and proposing amendments to the Burnet City Charter; and

***Considerando que**, el 24 de octubre de 2017, el Concejo Municipal nombró a las personas a un Comité de revisión de la carta ("CRC") y cargado el CRC de revisar y proponer enmiendas a la Constitución de la ciudad de Burnet; y*

WHEREAS, following a series of public meetings, held pursuant to and in compliance with the Texas Open Meetings Act, the CRC presented its proposed Charter

amendments to City Council in a public meeting; and

Considerando que, *tras una serie de reuniones públicas, celebrada en virtud y en cumplimiento de la ley de reuniones abiertas de Texas, la CRC presenta sus enmiendas de la carta al Consejo de la ciudad en una reunión pública; y*

WHEREAS, the Council reviewed the proposed Charter amendments and after considering the CRC's proposed amendments, the Council now believes that Burnet voters should vote on the following proposed amendments, in the form of propositions; and

Considerando que, *el Consejo examinó las enmiendas de la carta y después de considerar la CRC enmiendas, el Consejo cree ahora que los votantes de Burnet deben votar en las siguientes enmiendas, en forma de proposiciones; y*

WHEREAS, Texas Local Government Code Section 9.004 governs the amendments to a City's Home Rule Charter; and

Considerando que, *Texas Local Gobierno código sección 9.004 rige las enmiendas de la ciudad Inicio regla carta; y*

WHEREAS, the City Council of the City of Burnet, Texas, finds it in the public interest to order a special election, to be held on May 5, 2018, for a vote of the electors as to the proposed amendments to the Burnet City Charter; and

Considerando que, *el Ayuntamiento de la ciudad de Burnet, Texas, resulta de interés público para pedir una elección especial, que se celebrará el 5 de mayo de 2018, una votación de los electores en cuanto a las enmiendas a la Constitución de la ciudad de Burnet; y*

WHEREAS, the City Council of the City of Burnet, Texas, hereby directs City staff to publish in some newspaper of general circulation in the city on the same day in each of two successive weeks, the date of the first publication to be not less than fourteen days prior to the date of the May 5, 2018 election, a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City.

Considerando que, *el Ayuntamiento de la ciudad de Burnet, Texas, por la presente dirige el personal de la ciudad para publicar en un periódico de circulación general en la ciudad el mismo día en cada una de las dos sucesivas semanas, la fecha de la primera publicación que no menos de catorce días antes de la fecha de la elección del 5 de mayo de 2018, una copia substancial de las enmiendas propuestas y una estimación del impacto fiscal previsto a la ciudad.*

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

AHORA, POR TANTO, SER ORDENADO POR EL AYUNTAMIENTO DE LA CIUDAD DE BURNET, TEXAS:

SECTION 1. ELECTION ORDER
SECCIÓN 1. ORDEN DE ELECCIÓN

The City Council of the City of Burnet, pursuant to Chapter 9 of the Texas Local Government Code, for the purpose of submitting to the qualified voters of the City, for adoption or rejection, order the following proposed amendments to the existing Charter of the City of Burnet, Texas be submitted for election.

El Ayuntamiento de la ciudad de Burnet, en virtud del capítulo 9 del código de Gobierno Local sobre el Texas, con el propósito de presentar a los electores de la ciudad, para su

aprobación o rechazo, pedir las siguientes enmiendas a la Constitución vigente de la ciudad de Burnet, Texas presentarse a las elecciones.

SECTION 2. SUBMISSION OF MEASURES
SECCIÓN 2. PRESENTACIÓN DE MEDIDAS

The following measures will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

Las siguientes medidas se presentará a los votantes de la ciudad en la elección en forma de proposiciones según sección 9.004 del código de Gobierno Local de Texas y otras leyes aplicables:

Measure No. 1

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_____

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.~~

Medida Nº 1

Medida 1 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN A

La enmienda de la Constitución de la ciudad eliminando aquellas disposiciones que sean redundantes de o contrario a la ley del estado.

POR _____ CONTRA _____

~~Sección 3.04. -Juez de calificación de la elección.~~

~~El Ayuntamiento será el juez de la electoral y títulos de sus nuevos miembros. El Concejo Municipal deberá también, en la primera reunión después de la fecha límite de presentación, por mayoría de votos aprobar o desaprobar las calificaciones sección 3.03 de cada candidato. Si el Ayuntamiento considera que un candidato no cumple con todos los requisitos establecidos en la sección 3.03, nombre de dicho candidato no se colocarán en la boleta electoral.~~

~~Sección 4.10. – Tableros y comisiones.~~

~~El Ayuntamiento tendrá autoridad para establecer por ordenanza los tableros y las comisiones que considere necesaria para la realización de negocios de la ciudad y gestión de los asuntos municipales. La autoridad, funciones, requisitos y responsabilidades de tales juntas y comisiones se delineó en las ordenanzas estableciendo.~~

~~Sección 5.05. –Boleta oficial.~~

~~Los nombres de todos los candidatos para la oficina, excepto como puede haberse retirado, murió o se convierten en elegibles, deberán colocarse en las papeletas oficiales sin designaciones de partes especificando el lugar consejo para que cada uno trata de elecciones.~~

~~Sección 8.05. –Consentimiento de los propietarios.~~

~~El consentimiento de los propietarios contiguos y adyacentes no será necesario para la construcción, ampliación, mantenimiento o funcionamiento de utilidad pública, servicio público o empresa propietaria pero nada en este artículo o en cualquier licencia concedida en virtud de la lo dispuesto en este artículo se interpretará siempre para privar a cualquier tales propietarios de cualquier derecho de acción por daños a la propiedad como ahora o más tarde se proporcionará por la ley.~~

~~Sección 8.10. –Propiedad municipal de servicios públicos, servicios públicos y las empresas propietarias.~~

~~Anualmente, un contador público certificado preparará y hará que el Ayuntamiento publicará, un informe financiero para cada servicio público, servicio público y empresa propietaria propiedad u operados por la ciudad. Cada informe contendrá la información especificada en esta sección y demás información requerida por el Ayuntamiento. El Concejo Municipal establecerá por ordenanza la presentación y fechas extremas de cada informe.~~

~~Sección 10.04. –Juramento de la oficina.~~

~~Todos los funcionarios de la ciudad, ya sea elegido o designado, antes de entrar en los deberes de sus respectivos cargos, tomará y suscribirse al juramento oficial prescrito por la Constitución del estado de Texas. El juramento será administrado por el alcalde, alcalde Pro tem, Secretario de la ciudad u otra persona autorizada por ley para tomar juramentos.~~

~~Sección 10.05. –Exención de ejecución, embargo y cesión.~~

~~Propiedad de la ciudad no será responsable de la venta o apropiación por mandamiento de ejecución. Fondos de la ciudad poseído por cualquier persona o entidad no será responsables a retención a cuenta de cualquier deuda que la ciudad puede deber ni fondos o propiedad puede haber en mano debió a cualquier persona. No será necesarios para responder a un mandamiento de embargo de propiedad de la ciudad en cualquier cuenta sea cual sea la ciudad y sus funcionarios y agentes. La ciudad no estará obligada a reconocer cualquier cesión de los salarios o los fondos de sus empleados, agentes o contratistas.~~

~~Sección 10.07. –Seguridad o fianza no es necesario.~~

~~No será necesario en cualquier acción, demanda o procedimiento en que la ciudad puede ser una fiesta para cualquier enlace, empresa o seguridad para bien de la ciudad, pero todas las acciones, trajes actuaciones deberán llevarse a cabo como si de un bono, empresa o seguridad se les había dado. La ciudad tendrá todos los recursos de apelación previstos por la ley a todos los tribunales sin la fianza o garantía de ningún tipo. A los efectos de dichas acciones, juegos, procedimientos y recursos, la ciudad será responsable de la misma manera y en la misma medida como si el vínculo, la empresa o la seguridad había sido ejecutada y dado.~~

~~Sección 10.10. –Venta o arrendamiento de bienes inmuebles que no sean de servicios públicos o bienes adquiridos por el impuesto sobre la venta.~~

~~La venta o arrendamiento de real property que no sean de servicios públicos o bienes adquiridos por el impuesto sobre la venta será conforme a lo dispuesto por la ley estatal. En caso de que una venta o arrendamiento de bienes inmuebles no está cubierto por la ley estatal, se aplicarán las siguientes: el Concejo Municipal puede por ordenanza vender o alquilar cualquier inmueble propiedad de la ciudad, pero no por menos el valor de tasación determinado por un tasador certificado. Una venta o contrato de arrendamiento por más de cinco 5 años, no se completará hasta treinta 30 días después de la~~

~~aprobación de una ordenanza que aprueba la transacción. Si, durante ese período de treinta 30 días, se presenta una petición de referéndum para el Secretario de la ciudad que luego considere suficiente según artículo VI de la presente carta, certificará la petición de referéndum para el Ayuntamiento en su próxima reunión regular. El Ayuntamiento deberá llamar una elección presentar la pregunta de si o no la venta o arrendamiento deberá haber concluido.~~
~~Las disposiciones de esta sección no se aplicarán a los servicios públicos o de propiedad adquirida por la ciudad en las ventas de impuestos.~~

Sección 10.11. Abandono de calles, callejones y derechos de vía.

~~La ciudad puede desalojar, abandonar o cerrar una calle, callejón, servidumbre u otra vía pública. Cualquier dueño de propiedad que colinda con una vía pública podrá solicitar a la ciudad para desalojar, abandonar o cerrar tal derecho de paso.~~

~~Cualquier propuesta por el Concejo Municipal o solicitud del ciudadano, o ciudadana presentación de una petición de iniciativa para abandonar cualquier vía pública primero será resuelta por la Comisión de zonificación y planificación. La Comisión de zonificación y planificación notificará a todos los dueños de la propiedad contigua a la vía pública en cuestión de la recomendación de la pendiente y el tiempo cuando el tema se escuchará por el Ayuntamiento.~~

~~Treinta 30 días antes de la audiencia ante la Comisión de zonificación y planificación sobre el abandono de una vía pública, la ciudad debe notificar, por escrito, todos los propietarios de contigua propiedad de la acción propuesta. El aviso describirá la calle, callejón, servidumbre u otro derecho de paso a ser abandonados y dar la hora y el lugar de la reunión para discutir el asunto. Anuncio de la acción propuesta se publicará en un periódico de circulación general en la ciudad de Burnet y archivos disponibles para su descarga a través de Internet.~~

~~En el caso de un camino público o derecho de vía se abandona la ciudad determinará qué parte de dicho camino o derecho de vía no será requerido para otro uso público y ofrecerá el resto de tal derecho de paso a los propietarios contiguos en proporción a su propiedad. El transporte de esos bienes a los propietarios contiguos será conforme a lo dispuesto por la ley estatal. Si tal no es controlado por la ley estatal y contiguos dueño oferta adquirir el derecho de vía para el valor razonable, la ciudad, dentro de 30 treinta días después del depósito del valor razonable, entregará una escritura sin garantía transfiere la propiedad abandonada a la propietarios contiguos que hecho el depósito.~~

Artículo XI. Carta enmiendas

Sección 11.01. Propuesta de enmiendas.

~~Enmiendas de esta carta pueden enmarcadas y propuso como sigue:~~

~~A. **por la ley.** En cualquier forma prevista por la ley,~~

~~B. **por ordenanza.** Por una ordenanza del Concejo Municipal que contiene el texto completo de la enmienda propuesta,~~

~~C. **Informe por carta Comisión.** El informe de una Comisión de la carta creada por ordenanza, o~~

~~D. **por los votantes de la ciudad.** Propuesta de una enmienda presentada por los votantes de la ciudad será por petición que contiene el texto completo de la enmienda propuesta y se registrá por los mismos procedimientos y requisitos prescriben en artículo VI para peticiones de iniciativa. La petición debe ser firmada por al menos trescientos 300 votantes registrados de la ciudad o el número equivalente a por lo menos 30 por ciento (30%) del total de los registrados para votar en la elección regular pasada de la ciudad, cualquier número es mayor. La Comisión de peticiones puede retirar la petición~~

~~en cualquier momento antes del quince (15^{to}) día inmediatamente anterior al día previsto para la votación de la ciudad de la enmienda.~~

~~Cualquier enmienda de esta carta contendrá un único tema~~

~~Sejo 11.02. elección.~~

~~Entrega a las autoridades de elección de la ciudad del informe de una Comisión de la carta o entrega por el Secretario de la ciudad de una adopción ordenanza o una petición se determina suficiente proponiendo una enmienda en virtud del artículo VI de la presente carta, la elección las autoridades deberán presentar la enmienda propuesta a los votantes de la ciudad en una elección. Una elección para una enmienda de la carta se hará por un aviso que contenga el texto completo de la enmienda propuesta, se publicará en cumplimiento de la ley del estado y se publicarán el mismo día de dos semanas sucesivas en uno o más periódicos de circulación general en la ciudad y como archivos disponibles para su descarga a través de Internet. La fecha de la primera publicación ocurrirá más de catorce 14 días antes de la fecha de la elección.~~

~~En la primera fecha de la elección uniforme que no menos de sesenta 60 días después de la aprobación de la ordenanza o informe o de la determinación final de suficiencia de la petición proponiendo la enmienda se celebrará una elección de enmienda de la carta. El Ayuntamiento deberá proporcionar una elección especial en una enmienda conforme a la ley estatal. La elección puede realizarse con la elección regular de la ciudad.~~

~~Votos para una elección de enmienda deberán diseñarse para que los votantes pueden aprobar o desaprobar cualquier modificación de uno o más sin tener que aprobar o rechazar todas las enmiendas.~~

~~Sección 11.03. Adopción de las enmiendas.~~

~~Si la mayoría de los votantes registrados de la ciudad votar una carta propuesta enmienda votar a favor si, la enmienda entrará en vigor en el plazo fijado en la enmienda o, si no hay tiempo fijo, 30 días después de su adopción por los votantes. Sin embargo, en ningún caso la enmienda quedará en efecto hasta los registros del Ayuntamiento con el Secretario de la ciudad una orden declarando que la enmienda es aprobada. La orden que declara la adopción se inscribirá en la ciudad registra tan pronto como sea posible después de la elección.~~

Measure No. 2

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 providing that City Council members “may” be compensated rather than “shall” be compensated.

FOR _____

AGAINST _____

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.

Medida Nº 2

Mide 2 y se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN B

La enmienda de la Constitución de la ciudad que los miembros del Consejo de la ciudad "pueden" ser compensados que no "serán" compensados.

POR _____ CONTRA _____

Sección 3.05. -Compensación.

El alcalde y los miembros del Consejo ~~será puede~~ ser compensado ~~con derecho a indemnización~~. La tasa de compensación puede ser establecida o cambiada por el Ayuntamiento; sin embargo, ningún aumento en la tasa de compensación surtirá efecto a menos que ratificado por una mayoría de los votantes en las próximas elecciones regulares de la ciudad. El alcalde y los miembros del Consejo podrá, con aprobación del Consejo de la ciudad, a ser reembolsado por los gastos erogados en el ejercicio de funciones específicas. Niveles de reembolso se determinarán por el Ayuntamiento.

Measure No. 3

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 _____

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.

Medida Nº 3

Medida 3 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN C

La enmienda de la Constitución de la ciudad aclarar que la autoridad de la Alcaldía a aplazar una votación no es indefinida.

POR _____ CONTRA _____

Sección 3.06. -Alcalde y alcalde Pro-tem.

El alcalde será el jefe oficial del gobierno de la ciudad. El alcalde será el Presidente y deberá presidir todas las reuniones del Concejo Municipal. El alcalde puede hacer movimientos y puede votar en cada proposición ante el Consejo de ciudad. Mientras que el alcalde o el Presidente Suplente no tendrán poder de veto, que él/ella tendrá el poder de declarar un retraso de votación inicial en un asunto hasta la próxima sesión de Consejo ~~ordinaria en cuestiones relacionadas con la ciudad~~ Ordenanzas. El alcalde, salvo que disponga lo contrario por el Concejo Municipal, firmar todos los documentos oficiales tales como ordenanzas, resoluciones, transportes, otorgan bonos, plats oficiales, contratos y acuerdos. El alcalde nombrará a comisiones especiales como recomendable y como instruido por el Ayuntamiento. El alcalde deberá desempeñar dichas otras obligaciones coherentes con esta carta o que puedan ser impuestos por el Ayuntamiento.

Measure No. 4

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 a 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 _____

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 shall:
 - 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.

Medida 4 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPUESTA D

La enmienda de la Constitución de la ciudad de aclarar que un concejal que dimite para postularse para otro cargo de ciudad permanece en el cargo hasta que su sucesor es calificado y jurado oficina.

POR _____ CONTRA _____

Sección 3.07. -Vacantes, confiscación y relleno de vacantes.

- A. **ofertas.** La oficina de un miembro del Concejo Municipal o el alcalde será vacante a la muerte, incapacidad, renuncia o destitución del cargo de ninguna manera autorizada por ley, o pérdida de la oficina del titular de la oficina.
- B. **pérdida de oficina.** Si el alcalde o cualquier miembro del Consejo de ciudad

1. no mantener los requisitos establecen en la sección 3.03 de esta carta (a menos que la residencia de un miembro del Consejo es la anexa, entonces el miembro servirá el resto de su mandato), o
2. se ha encontrado por menos de cinco 5 votos afirmativos del Ayuntamiento haya violado una prohibición expresa de esta carta, o
3. es condenado por un delito que implica depravación moral o un delito grave, o
4. no asistir a tres 3 consecutivas reuniones ordinarias del Consejo sin ser excusado por el Ayuntamiento, entonces el Ayuntamiento, en su reunión ordinaria siguiente, declarar a la oficina a ser vacante y deberá llenar tal vacante como se indica a continuación, o
5. ~~tiene más de un año restante en su término y postularse para otro cargo electo dentro del gobierno de la ciudad.~~

el Ayuntamiento, en su reunión ordinaria siguiente, declarará la oficina a ser vacante y deberá llenar tal vacante como se indica a continuación.

C. renuncia por presentación u otra posición elegido

Si un miembro del Concejo Municipal o el alcalde tiene más de un año restante en su término y archivos a otra posición elegido en el gobierno de la ciudad entonces dijo presentación se considerará una renuncia de su actual posición. Sin embargo, el individuo dimisionaria será retenida en su posición actual hasta que su sucesor es jurado oficina.

D. Relleno de vacantes.

1. cuando una vacante individual o doble en el Ayuntamiento, los restantes miembros del Concejo Municipa deberán:
 - a. designar una persona calificada para llenar el término restante. Una cita debe ser aprobada por el voto afirmativo de por lo menos cinco 5 miembros de los miembros del Consejo de la ciudad; o
 - b. ordenar una elección para llenar el término restante en la próxima elección general regular.
2. deben existir tres 3 vacantes en el Concejo de la ciudad al mismo tiempo entonces Concejo Municipal deberá ordenar una elección para llenar las vacantes en la próxima fecha de la elección uniforme disponibles conforme a lo dispuesto por la ley.
3. todas las citas al Ayuntamiento ejercerá hasta las próximas elecciones regulares.
4. todas las citas al Ayutamiento deberán estar calificadas para servir conforme a seccion 3.03 de esta carta y tendrán oficina inmediatamente después de la cita.

Measure No. 5

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 _____

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.~~

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 [CZ1]: Include with Measure deleting section 7.14

Comment [CZ2]: Include with Measure deleting section 7.14

Medida Nº 5

Medida 5, se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DEL PIMPINELA LA PROPOSICIÓN E

La enmienda de la Constitución de la ciudad eliminando las disposiciones relacionadas con la autoridad de la ciudad para emitir bonos como duplicado de la autoridad prevista en la ley estatal.

POR _____ CONTRA _____

~~Sección 7.14. Bonos.~~

~~A. préstamos. El Ayuntamiento tendrá el poder, excepto como prohibido por la ley, a pedir prestado dinero por cualquier método que considere sea de interés público.~~

~~B. bonos de obligación General, notas y certificados de obligación. La ciudad tendrá el poder de tomar prestado dinero en el crédito de la ciudad y a emitir bonos de obligación general, notas y certificados de obligación y cualquier otra evidencia de deuda autorizada por la ley del estado para mejoras públicas permanentes, o para cualquier otro público fines no prohibidos por la Constitución y las leyes del estado y al tema bonos de reembolso reembolsar bonos en circulación de la ciudad previamente emitido. Todos los bonos o certificados de obligación se expedirán conforme a las leyes del estado y se utilizará únicamente para los fines para los cuales fueron publicados.~~

~~C. bonos de ingresos de. La ciudad tendrá la posibilidad de pedir un préstamo para construcción, compra, mejora, ampliación o reparación de servicios públicos,~~

~~instalaciones o cualquier otra función municipal autoliquidables no prohibida por la Constitución y las leyes del estado y al tema bonos de ingresos que evidencia la obligación así creado. Bonos de ingresos será un cargo a y pagaderos de las propiedades, o interés comprometido en ellos, o los ingresos de ellos, o ambos. Los titulares de los bonos de ingresos no tendrá derecho para exigir el pago de dinero elevado o levantado por impuestos. Todos los ingresos bonos se expedirán conforme a las leyes del estado y se utilizará únicamente para los fines para los que emitió.~~

~~D. **bonos indiscutibles.** Todos los bonos de la ciudad después de haber sido emitido y vendido y haber sido entregados a los compradores será indiscutible. Todos los bonos emitidos para devolver a cambio de bonos en circulación emitidos previamente, tras el intercambio, será indiscutibles.~~

~~E. **préstamos para mejoras de Capital.** El procedimiento para la adopción de cualquier ordenanza relacionada con esta sección deberá ser como sigue:~~

- ~~1. una copia de la ordenanza propuesta se entregará a cada miembro del Ayuntamiento, el abogado de la ciudad y el administrador de la ciudad.~~
- ~~2. cualquier ordenanza considera que se refiere a esta sección será adoptada o rechazada con o sin enmiendas en la sesión en la que se introduce.~~
- ~~3. cualquier lectura de una ordenanza relacionada con esta sección será por título a menos que una lectura en todo o en parte sea solicitada por cualquier miembro del Concejo Municipal, siempre que el Concejo Municipal por mayoría de votos no negar cualquier solicitud para una lectura de la ordenanza en su totalidad o en parte.~~

~~4. una ordenanza que autoriza la emisión de obligaciones para que no sean créditos de emergencia podrá adoptarse finalmente en la reunión en la que se introduce. Sección 3.15 no se aplicará a tales ordenanzas.~~

Sección 3.14. -Ordenanzas y resoluciones.

La cláusula de foro de todas las ordenanzas será: "Ser ordenado por el Ayuntamiento de la ciudad de Burnet, Texas..." Ordenanzas y resoluciones formales que establecen programas de política, proporcionan cualquier regla o reglamento aplicable al público en general y se establecen requisitos para cualquier función administrativa general de la ciudad, se introducirán en el Ayuntamiento sólo en escrito o impreso y deberá contener sólo uno cada tema.

Resoluciones que dan instrucciones al administrador de la ciudad en una cuestión de negocios, aprobar una acción administrativa, contrato o licitación, y que aprueban los planes y acciones en el curso de la actividad cotidiana de la ciudad, será suficiente si se muestra al grabar el movimiento y voto en el Acta del Concejo Municipal. Ordenanzas que los créditos se limitará a los créditos.

Cualquier referencia a la lectura de una ordenanza hecha en esta carta se entenderá en el sentido de la lectura de la leyenda de la ordenanza a menos que una petición específica es hecha por cualquier miembro del Consejo de la ordenanza para leer en parte o en su totalidad. Se entenderán cualquier ordenanza que derramas una multa o sanción o aborda el presupuesto, impuestos, franquicias o empresas de servicios públicos o el ajuste de sus tasas en dos 2 reuniones ordinarias. Tales ordenanzas se publicarán en total o por el título con un resumen en 2 dos sucesivos números de un periódico de circulación general en la ciudad de Burnet y como archivos disponibles para su descarga a través de Internet con la primera publicación por lo menos catorce 14 días antes de la lectura final y la aprobación de la Ordenanza.

~~Se pueden hacer excepciones a las disposiciones del párrafo anterior para cualquier ordenanza introducido de conformidad con, y que cumple, todos los requisitos de la sección 7.14 de esta carta, titulada "Bonos" y podrán poner a votación para su aprobación o rechazo en la reunión en la que se introduce sin necesidad de una segunda lectura.~~

~~No hay ordenanza que no es una Ordenanza de emergencia o una ordenanza relacionados con la sección 7.14 de esta carta, será finalmente aprobada hasta que se ha leído en dos 2 días separados no menos de veinticuatro 24 horas de diferencia.~~

Measure No. 6

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 _____

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.~~

Medida N° 6

Medida 6 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPUESTA F

La enmienda de la Constitución de la ciudad para proveer que los miembros del Consejo deberá ser incluidos en oficina en la misma sesión de Concejo Municipal que los votos se hará el escrutinio.

POR _____

CONTRA _____

Sección 5.07. -Toma de oficina.

Cada persona recién elegido al Concejo Municipal será instalado en oficina en la reunión del Consejo de ciudad ~~regular primer siguientes la escrutinio~~ing de los votos.

Measure No. 7

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.

FOR _____

AGAINST _____

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~~ 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~~ five percent (~~20-5~~%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Medida Nº 7

Medida 7 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN G

La enmienda de la Constitución de la ciudad para proveer que peticiones de iniciativa y referéndum deben ser firmados por cinco 5 por ciento del número de votantes registrados para votar en las últimas elecciones generales de la ciudad.

POR _____

CONTRA _____

Sección 6.02. -Poder de iniciativa.

Sujeto únicamente a las limitaciones siempre y cuando en este artículo, la gente de la ciudad tendrá el poder de proponer legislación sobre cualquier gobierno tema local, salvo legislación apropiarse de dinero, recaudación de impuestos, que afecta a zonificación, anexión de tierra o ajuste de tasas, honorarios o cargos, y, si el Ayuntamiento no logra adoptar una ordenanza lo propuesta, a adoptar o rechazar la legislación propuesta en una elección. Una ordenanza iniciada podrá presentar al Ayuntamiento una petición firmada por al menos doscientos 200 votantes registrados de la ciudad o ~~veinte cinco~~ cinco por ciento (~~20-5~~%) del número de votantes registrado para votar en la anterior elección municipal cualquier número es mayor.

Sección 6.03. -Poder de referéndum.

Los votantes de esta ciudad tendrá el poder de aprobar o rechazar en las urnas cualquier ordenanza promulgada por el Concejo Municipal que sea sujeto al proceso de referéndum conforme a esta carta, salvo los bonos que se han concedido legalmente a un adjudicatario u otros legal obligaciones. La petición de referéndum requiere las firmas de al menos doscientos 200 votantes registrados o ~~veinte cinco~~ cinco por ciento (~~20-5~~%) del número de votantes registrados para votar en el anterior elección municipal cualquier número es mayor.

Measure No. 8

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 the greater of five hundred (500) registered voters or ten (10) percent of the number of voters registered to vote at the last general City election.

FOR _____

AGAINST _____

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 at least the~~ greater of either 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.

Medida Nº 8

Medida 8 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN H

La enmienda de la Constitución de la ciudad para proveer que peticiones de destitución deben ser firmados por votantes calificados de la ciudad igual en número a los más de quinientos 500 votantes registrados o diez 10 por ciento del número de votantes registrados para votar en la última ciudad general eleccion.

POR _____

CONTRA _____

Sección 6.10. -Poder de la memoria.

La gente de la ciudad reserva el poder recordar cualquier funcionario electo de la ciudad y puede ejercer el poder mediante la presentación de una petición indicando la causa para la remoción del funcionario electo con el Secretario de la ciudad. Dichas peticiones serán firmadas por ~~al menos~~ la mayor de cada quinientos 500 votantes registrados

o treinta diez por ciento (310) de los votantes registrados de la ciudad inscrito para votar en las últimas elecciones generales. Dentro de los quince 15 días después de una petición de destitución, el Secretario Municipal determinará si está debidamente firmada por el número de electores registrados que residan dentro de la ciudad y verificará la petición como suficiente o insuficiente. Si el certificado de la Secretaria de la ciudad muestra una petición de memoria insuficiente, el Secretario Municipal deberá notificar a las personas presentar la petición por escrito. La notificación escrita deberá detallar los defectos que deben corregirse si la petición es suficiente. La petición podrá ser modificada luego dentro de quince 15 días hábiles desde la fecha de dicha notificación por la presentación de una petición complementaria y la presentación de documentos adicionales que se firmó y presentó igual a la petición original. Dentro de los quince 15 días después de la enmienda, el Secretario Municipal examinará la petición modificada y certificar en cuanto a su suficiencia. Si la petición enmendada luego resulta para ser insuficiente, no hay procesos más se tenía con respecto a él. Se exigirá una petición separada para cada oficial recordar.

Measure No. 9

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 of an ordinance for certain expenditures.

FOR_____

AGAINST_____

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.~~

Medida Nº 9

Medida 9 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN

La enmienda de la Constitución de la ciudad eliminando el requisito de una ordenanza para ciertos gastos.

POR _____

CONTRA _____

Sección 7.10. -Exceso de créditos prohibidos.

No se efectuará ningún pago o directamente incurrido contra cualquier asignación o apropiación excepto de acuerdo con autorizado créditos y a menos que el administrador de la ciudad o su designado primero certifica que hay un saldo suficiente de tal asignación o apropiación y eso fondos están o estarán disponibles para cubrir la demanda o cumplir con la obligación cuando es debido y pagadero. Cualquier autorización de pago o incurrir en obligación en violación de las disposiciones de esta carta orgánica será nula y será ilegal cualquier pago realizado. Una violación de esta disposición será causa de remoción de cualquier funcionario que a sabiendas autorizado o había realizado tal pago o había incurrido dicha obligación. Tal oficial también puede ser responsable a la ciudad para cualquier cantidad así pagada. Excepto como prohibidas por la ley, sin embargo, nada en esta carta se interpretará para impedir la fabricación o autorización de pagos o elaboración de contratos para mejoras de capital a ser financiados en todo o en parte por la emisión de bonos o para prevenir la realización de cualquier o contrato de arriendo para los pagos más allá del final del año fiscal, ~~pero sólo si dicha acción está hecha o aprobada por ordenanza.~~

Measure No.10

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 _____

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 stating the 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~~

Medida No.10

Medida 10 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN J

La enmienda de la Constitución de la ciudad que requiere el administrador de la ciudad a presentar un programa de capital de cinco 5 años con el presupuesto anual.

POR _____ CONTRA _____

Sección 7.02. -Presentación del presupuesto y mensaje de presupuesto.

En o antes del 15 de agosto de cada año fiscal, el administrador municipal presentará al Concejo Municipal un presupuesto para el año fiscal subsiguiente, un presupuesto proyectado cinco 5 años, programa de capital de cinco 5 años y un mensaje que lo acompaña.

~~Sección 7.15. Programa capital.~~

~~A. presentación al Consejo de la ciudad. El administrador de la ciudad deberá preparar y presentar al Ayuntamiento un programa de capital de cinco años no más tarde de la fecha límite para la presentación del presupuesto.~~

B. contenido. Deberá incluir el programa de capital

- ~~1. un resumen general clara de su contenido;~~
- ~~2. una lista de todas las mejoras y otros gastos de capital que se proponen para ser realizadas durante la resultante del siguiente de cinco 5 ejercicios, con información de apoyo adecuado en cuanto a la necesidad de cada uno;~~
- ~~3. costo estima y recomienda horarios para cada mejora u otros gastos de capital;~~
- ~~4. método de financiación que cada gasto de capital es confiar, y~~

~~5. el costo anual estimado de operación y mantenimiento de las instalaciones a ser construidas o adquiridas.~~

~~Lo anterior deberá ser habia revisada y extendida cada año con respecto a mejoras pendientes o en proceso de construcción o adquisición.~~

~~Sección 7.16. Ayuntamiento acción en el programa Capital.~~

~~A. Aviso y audiencia. El Ayuntamiento publicará en uno o más periódicos de circulación general en el 1 como archivos disponibles para descargar vía Internet el resumen general del programa capital y un aviso sta siguientes:~~

- ~~1. Los tiempos y lugares donde están disponibles para inspección por el público copias del programa capital.~~
- ~~2. El momento y lugar, no menos de dos semanas después de dicha publicación, para una audiencia pública sobre el programa capital.~~

~~Adopción. El Ayuntamiento mediante resolución adoptará el programa de capital con o sin enmienda después de la audiencia pública y en o antes del último día del último mes del actual año fiscal~~

Measure No. 11

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 a comprehensive plan.

FOR _____

AGAINST _____

~~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.~~

Medida Nº 11

Medida 11 se colocará en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN K

La enmienda de la Constitución de la ciudad eliminando el requisito de la creación del plan integral.

POR _____

CONTRA _____

Sección 9.04. --Plan de la ciudad global.

~~El Ayuntamiento hará escrita y deberá adoptar un plan integral para la ciudad que no será incompatible con la ley estatal. Este plan maestro será revisado y actualizado según sea necesario por el Ayuntamiento.~~

Measure No. 12

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 _____

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.~~

Medida Nº 12

Medida 12 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN L

La enmienda de la Constitución de la ciudad que requiere el Ayuntamiento y personal de la ciudad cumplir con las leyes del estado nepotismo.

POR _____

CONTRA _____

Sección 10.03. -Ética.

~~C. nepotismo. Ninguna persona relacionada con dentro del segundo grado por afinidad o dentro del tercer grado por consanguinidad, el alcalde o cualquier otro miembro del Concejo Municipal o administrador de la ciudad será nombrada para cualquier cargo, posición o escribano u otro servicio de la ciudad. Ninguna persona tan relacionada con el Director de finanzas deberá emplearse bajo él. Esta prohibición no se aplicará a una persona que es un actual empleado de la ciudad y ha sido un empleado de la ciudad durante seis 6 meses o más en el momento de la elección del alcalde o miembro del Consejo de no menos de 30 días en el momento de la designación de administrador de~~

~~la ciudad o otro había nombrado ciudad. Ayuntamiento deberá cumplir y cumplir con las leyes aplicables de nepotismo ley estatal.~~

Measure No. 13

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 _____

~~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.

Medida Nº 13

Medida 13 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN M

La enmienda de la carta de la ciudad de notificación de reclamos contra la ciudad coherente con la ley estatal.

POR _____ CONTRA _____

Sección 10.08. --Aviso de reclamación.

~~A. lesiones y daños a la propiedad. La ciudad no serían responsable de una reclamación por la muerte o lesiones a una persona o daños a la propiedad a menos que el solicitante o representante legal archivos una declaración por escrito de reclamación con el Secretario de la ciudad dentro de sesenta 60 días después del evento presuntamente han causado th e muerte, lesiones o daños. La declaración debe describir la naturaleza y extensión de las lesiones o daños; describir el lugar y las circunstancias del evento causal alegado; detallar cantidad monetaria la lesión o el daño; y, para lesiones personales, nombres de testigos, si los hubiere, para el evento.~~

~~B. reclamaciones en General. Salvo lo dispuesto por la Constitución del estado o en caso de conflicto con la ley del estado en esta carta orgánica, la ciudad no será responsable por cualquier daños, honorarios de abogados, costos del Tribunal, o de otros fondos con respecto a cualquier asunto que sea ya sea que surjan de cualquier acción autorizado por estatuto, sentencia declaratoria, para remedio equitativo, o por cualquier daño, reclamación o juego derivadas de contrato. La persona que busca tal remedio, alivio o daño o alguien en su nombre;~~

~~1. notificar al Secretario de la ciudad por escrito no menos de treinta 30 días antes de la presentación de una reclamación, demanda o causa de acción, indicando específicamente las denuncias de las base para la reclamación, adaptarse o solicitar remedio; los hechos, las disposiciones del contrato o circunstancias apoyar la demanda; solicita el remedio específico o daños; los nombres de todos los oficiales de la ciudad y empleados contra los cuales no hay queja; y una lista~~

~~_____ de los nombres y direcciones de todos los testigos conocidos al reclamante sobre
_____ cuyo testimonio se basa el demandante para establecer la lesión o daño; y~~

~~_____ 2. conocer, otorgar y negociar con la ciudad a petición del administrador de la
_____ ciudad o el Ayuntamiento con el fin de alcanzar un compromiso aceptable y el
_____ establecimiento.~~

A. la ciudad nunca será responsable por cualquier lesión personal, ya sea dando por resultado muerte o no, a menos que la persona lesionada o alguien en su nombre, o en caso de lesión resulta en muerte, la persona o personas que pueden tener una causa o acción bajo la ley por razón de tal herida de muerte, deberá presentar un aviso por escrito con el administrador de la ciudad dentro de noventa 90 días después de la misma, indicando específicamente en tal cuenta de Cuándo, dónde y cómo ocurrió la lesión exacta y la extensión completa, junta con la cantidad de daños y perjuicios reclamados o afirmado. Los requisitos de notificación previstos en este documento no se aplican si la ciudad tiene la notificación que se ha producido la muerte, o que el reclamante ha recibido algunas lesiones. Además, debe proporcionar el reclamante buena causa para no cumplir con los requisitos de aviso aquí y dijo no se aplicarán los requisitos de aviso.

B. la ciudad nunca será responsable por cualquier reclamación por daños a la propiedad personal a menos que la persona cuyos bienes personales ha sido lesionado o dañado o alguien en su nombre, deberá presentar una reclamación por escrito con el administrador de la ciudad dentro de noventa 90 días después de dicho d Amage o lesión ha ocurrido y la magnitud misma y la cantidad de daño sufrido. La ciudad nunca será responsable por cualquier reclamación por daños a propiedad causado por negligencia u omisión de sus agentes, empleados, agentes o empleados, a menos que la persona cuya propiedad ha sido herido o dañado o alguien en su nombre, deberá presentar un reclamación por escrito con el administrador de la ciudad dentro de noventa 90 días después de dicho daño o lesión ocurrido, indicando específicamente cuando, dónde y cómo ocurrió la lesión o el daño y el monto de los daños reclamados. Los requisitos de notificación previstos en este documento no se aplican si la ciudad tiene notificación que ha sido dañado propiedad del reclamante. Además, debe proporcionar el reclamante buena causa para no cumplir con los requisitos de aviso aquí y dijo no se aplicarán los requisitos de aviso.

Measure No. 14

Measure 14 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION N

The Amendment of the City Charter requiring 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) meetings.

FOR _____

AGAINST _____

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.

Medida N° 14

Medida 14 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN N

Se entenderán la enmienda de la Constitución de la ciudad que requiere cualquier ordenanza que derramas una multa o sanción o aborda el presupuesto, impuestos, franquicias o empresas de servicios públicos o el ajuste de sus tasas en dos 2 reuniones.

POR _____ CONTRA _____

Sección 3.14. -Ordenanzas y resoluciones.

La cláusula de foro de todas las ordenanzas será: "Ser ordenado por el Ayuntamiento de la ciudad de Burnet, Texas..." Ordenanzas y resoluciones formales que establecen programas de política, proporcionan cualquier regla o reglamento aplicable al público en general y se establecen requisitos para cualquier función administrativa general de la ciudad, se introducirán en el Ayuntamiento sólo en escrito o impreso y deberá contener sólo uno cada tema.

Resoluciones que dan instrucciones al administrador de la ciudad en una cuestión de negocios, aprobar una acción administrativa, contrato o licitación, y que aprueban los planes y acciones en el curso de la actividad cotidiana de la ciudad, será suficiente si se muestra al grabar el movimiento y voto en el Acta del Concejo Municipal. Ordenanzas que los créditos se limitará a los créditos.

Cualquier referencia a la lectura de una ordenanza hecha en esta carta se entenderá en el sentido de la lectura de la leyenda de la ordenanza a menos que una petición específica es hecha por cualquier miembro del Consejo de la ordenanza para leer en parte o en su totalidad. Se entenderán cualquier ordenanza que derramas una multa o sanción o aborda el presupuesto, impuestos, franquicias o empresas de servicios

públicos o el ajuste de sus tasas en dos 2 reuniones ~~ordinarias~~. Tales ordenanzas se publicarán en total o por el título con un resumen en 2 dos sucesivos números de un periódico de circulación general en la ciudad de Burnet y como archivos disponibles para su descarga a través de Internet con la primera publicación por lo menos catorce 14 días antes de la lectura final y la aprobación de la Ordenanza.

Measure 15

Measure 15 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION O

The Amendment of the City Charter creating a due process hearing procedure for alleged forfeiture of Office and penalties for violating a prohibition of the City Charter.

FOR _____

AGAINST _____

Section 3.16 Council Investigative Body; Hearings; Process.

A. *General.* In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, employee, or contract service provider of the City, and for that purpose shall have the power to administer oaths and subpoena witnesses, compel the attendance of witnesses and the production of books, papers and other evidence material to the inquiry. The City Council shall by ordinance provide the process, procedures and requirements for the subpoena of persons, books, papers and other evidence, the giving of notice, and the fine or penalty for the failure or refusal of any person to comply with a subpoena, and shall have the power to punish the misconduct in the manner provided by the ordinance.

B. Hearings Process for Forfeitures of Office and Prohibitions.

1. All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;
2. The officer holder subject to any investigation and/or hearing under this section shall be entitled to written notice, delivered by certified mail return receipt requested, of the allegations of forfeiture and/or the alleged violation of this Charter as applicable; delivery shall be complete on the fifth business day following upon deposit of the written notice, postpaid and properly addressed, in the mail.

3. A special meeting shall be called to hold the hearing; said special meeting to be held no earlier than fourteen (14) days subsequent from the delivery of written notice and no later than ninety (90) days after delivery of written notice, unless otherwise agreed to by a majority of the City Council and the individual subject to the hearing.
4. A Member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;
5. City Council shall adopt by ordinance rules of procedures to be followed;
6. The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to testimony from individuals;
7. The individual who is subject to the hearing shall be provided a copy of the results of the investigation, including any written testimony acquired during the investigation, an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;
8. City Council may ask questions of any individual giving testimony;
9. No Public comment shall be allowed;
10. In the case of a violation of Section 3.07 of this Charter City Council shall vote on the forfeiture and on the affirmative vote of two-thirds of the City Council declare the office of said office holder to be forfeited and vacant;
11. In the case of a violation of Section 3.09 of this Charter City Council may on the affirmative vote of a majority of the City Council may take any of the following actions: directing further investigation, requesting further information, take a vote of censure; or, upon the affirmative vote of two-thirds of City Council, declare the office of said office holder to be forfeited and vacant; and
12. Any Investigation conducted pursuant to this section shall be conducted by an outside, independent third party.

Medida 15

Medida 15 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN O

La enmienda de la Constitución de la ciudad creando un procedimiento de la audiencia de debido proceso por supuesta confiscación de oficina y las sanciones por violar una prohibición de la Constitución de la ciudad.

POR _____ CONTRA _____

Sección 3.16 órgano Consejo de investigación; Audiencias; Proceso.

A. *General.* Además de cualquier otra autoridad específica de investigación y audiencia, previstas en esta carta orgánica, el Concejo Municipal estará facultado para investigar al funcionario realizar de cualquier departamento, agencia, oficina, oficial, empleado o contrato de servicio proveedor de la ciudad y para ello tendrá el poder de administrar juramentos y citación de testigos, obligar la comparecencia de testigos y la producción de libros, documentos y otro material de evidencia para la investigación. El Concejo Municipal por ordenanza facilitará el proceso, procedimientos y requisitos para la citación de las personas, libros, documentos y otras pruebas, la entrega de la notificación y la multa o sanción para el incumplimiento o negativa de cualquier persona a cumplir con una citación, y tendrán el poder para castigar la mala conducta en la forma prevista por la Ordenanza.

B. audiencias proceso de confiscaciones de las prohibiciones y.

1. todas las audiencias celebradas bajo este inciso se efectuará en sesión abierta, salvo que el Concejo Municipal podrá llevar a cabo una sesión a puerta cerrada para recibir asesoramiento de su abogado de conformidad con la ley de reuniones abiertas Texas;
2. el titular de la oficial sujeto a cualquier investigación o audiencia bajo esta sección tendrá derecho a un aviso por escrito, entregada por correo certificado solicitado, de los alegatos de confiscación o la presunta violación de esta carta como acuse de recibo aplicable; entrega será completa en el quinto día hábil siguiente al depósito de la notificación escrita, pospago y correctamente dirigida, en el correo.
3. una reunión especial se llamará para celebrar la audiencia; dijo la reunión extraordinaria que se celebrará no antes de los 14 catorce días posteriores de la entrega de notificación escrita y no más tarde de noventa 90 días después de la

entrega de notificación escrita, salvo que se acuerde por una mayoría del Ayuntamiento y el sujeto individual a la audiencia.

4. un miembro del Ayuntamiento que inició o es objeto de la investigación o la audiencia no se sentará en la tarima y no podrá participar en la deliberación o votación;
5. el Ayuntamiento adoptará por normativa de la Ordenanza de procedimientos a seguir;
6. el Consejo Municipal hará constar la naturaleza de la audiencia y las acusaciones a considerarse, deberá ser proporcionados los resultados de cualquier investigación y presentación de las pruebas contra el funcionario incluyendo, pero sin limitarse a testimonios de personas;
7. el individuo que está sujeto a la audiencia se facilitará una copia de los resultados de la investigación, incluyendo cualquier testimonio escrito adquirido durante la investigación, una oportunidad para responder a los alegatos y presentar cualquier evidencia relevante, incluyendo , pero no limitado a, testimonio de las personas;
8. Consejo de la ciudad puede hacer preguntas de cualquier individual dando testimonio;
9. ningún comentario público se admitirá;
10. en el caso de una violación de la sección 3.07 de esta carta Ayuntamiento declarará voto sobre la caducidad y el voto afirmativo de dos tercios del Concejo Municipal la oficina de dicho funcionario a ser decomisados y vacantes;
11. en el caso de una violación de la sección 3.09 del Ayuntamiento de esta carta puede en el voto afirmativo de la mayoría del Concejo Municipal puede tomar cualquiera de las siguientes acciones: dirigir más investigación, solicitando más información, tome una voto de censura; o, con el voto afirmativo de dos tercios del Concejo Municipal, declarar la oficina de dicho funcionario a ser decomisados y vacantes; y
12. cualquier investigación llevada a cabo en virtud de esta sección se efectuarán por un exterior independiente.

Measure 16

Measure 16 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION P

The amendment of the City Charter requiring City Council City Council to either hold an election or appoint an individual to vacancy where the remaining term is less than one year.

FOR _____

AGAINST _____

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

C. Filling of Vacancies.

1. When a single or double vacancy occurs in the City Council, the remaining members of the City Council shall ~~may~~:
 - a. If the remaining term(s) is less than one year in duration either appoint a qualified person to fill the unexpired term(s) or hold a special election 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. If the remaining terms(s) is one year or more, 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.

Medida 16

Medida 16 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN P

La enmienda de la Constitución de la ciudad que requieren Ayuntamiento Ayuntamiento celebrar una elecciones o nombrar a una persona para vacante en el plazo restante es inferior a un año.

POR _____

CONTRA _____

Sección 3.07. -Vacantes, confiscación y relleno de vacantes.

C. relleno de vacantes.

1. cuando se produce una vacante de simple o doble en el Ayuntamiento, los restantes miembros del Consejo Municipal deberá puede:
 - a. si el término restante es inferior a un año de duración o designar una persona calificada para llenar el término restante o sostener una elección especial para llenar el término restante. Una cita debe ser aprobada por el voto afirmativo de por lo menos cinco 5 miembros de los miembros del Consejo de la ciudad; o
 - b. si el resto de los términos (s) es de un año o más, o según una elección para llenar el término restante en la próxima elección general regular.
2. deben existir tres 3 vacantes en el Concejo de la ciudad al mismo tiempo entonces Concejo Municipal deberá ordenar una elección para llenar las vacantes en la próxima fecha de la elección uniforme disponibles conforme a lo dispuesto por la ley.
3. todas las citas al Ayuntamiento ejercerá hasta las próximas elecciones regulares.
4. todas las citas al Ayuntamiento deberán estar calificadas para servir conforme a sección 3.03 de esta carta y tendrán oficina inmediatamente después de la cita.

Measure 17

Measure 17 shall be placed on the ballot in the form of the following Proposition:

CITY OF BURNET PROPOSITION Q

The Amendment of the City Charter deleting certain prohibitions and criminal penalties inconsistent with or repetitive of State law.

FOR _____

AGAINST _____

Section 10.02. – Prohibitions

A. ~~Activities Prohibited.~~

1. ~~No person shall be appointed to, removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions, rules and regulations or proposed promotion.~~
2. ~~No person who seeks appointment with respect to any City position or appointive City administrative office shall directly or indirectly give, render or~~

~~pay any money, service or other valuable thing to any person in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.~~

- ~~3. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose from any City employee to be used in conjunction with any City election.~~
- ~~4. No City employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a City election or to campaign funds to be used in support of or opposition to any candidate for election to City Office or City ballot issue. Further, no City employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for City office. This Section shall not be construed to limit any person choosing to exercise rights as a citizen to express opinions or to cast a vote. Further, this Section shall not be construed to prohibit any person from active participation in political campaigns at any other level of government.~~
- ~~5. Any other activities prohibited by State law.~~

B. ~~**Penalties.** Any person convicted of a violation of this Section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position, and if that person is an officer or employee of the City, he/she shall immediately forfeit his/her office or position. The City Council shall establish by ordinance any further provisions and penalties as it may deem appropriate.~~

Medida 17

Medida 17 se colocarán en la boleta en la forma de la siguiente proposición:

CIUDAD DE BURNET PROPOSICIÓN Q

La enmienda de la Constitución de la ciudad eliminar algunas prohibiciones y sus sanciones penales como inconsistente con o repetitivas de leyes estatales o federales.

POR _____ CONTRA _____

Sección 10.02. – Prohibiciones

~~A. Actividades prohibidas.~~

~~1. Ninguna persona será nombrada, removido de cualquier forma favorecida o discriminados con respecto a cualquier posición de la ciudad o nombrado oficina administrativa de la ciudad debido a raza, género, edad, discapacidad, religión, país de origen o político o afiliación. Ninguna persona deberá hacer cualquier declaración falsa, certificado, marca, calificación o informe con respecto a cualquier examen, certificación o nombramiento de acuerdo con las disposiciones de este estatuto o en el cualquier confirmación de manera intencionalmente o intento cometer cualquier fraude impidiendo la ejecución imparcial de las disposiciones, normas y reglamentos o promoción propuesta.~~

~~2. Ninguna persona que busca cita con respecto a cualquier posición de la ciudad o ciudad nombrada oficina administrativa dará directa o indirectamente, prestar o pagar dinero, servicio u otra cosa valiosa a cualquier persona con respecto a su prueba, cita, propuesta de nombramiento, promoción o promoción propuesta.~~

~~3. Ninguna persona a sabiendas o voluntariamente solicitar o ayudar en solicitar cualquier contribución para cualquier partido político o el propósito político de cualquier empleado de la ciudad, suscripción o evaluación para utilizarse conjuntamente con cualquier elección de la ciudad.~~

~~4. Ningún empleado de la ciudad será a sabiendas o intencionalmente hacer, solicitar o recibir cualquier contribución a los fondos de campaña de cualquier partido político o Comité para usarse en una elección de la ciudad o a los fondos de campaña para ser utilizado en apoyo de o su oposición a cualquier candidato para las elecciones de la ciudad Emisión de boleta de oficina o ciudad. Además, ningún empleado de la ciudad a sabiendas o intencionalmente participará en cualquier aspecto de cualquier campaña política en nombre de u oposición a cualquier candidato para la oficina de la ciudad. Esta sección no se interpretará en el sentido de limitar a cualquier persona a ejercer los derechos como ciudadano para opinar o emitir un voto. Además, esta sección no se interpretará para prohibir a cualquier persona de participación activa en las campañas políticas en cualquier otro nivel de gobierno.~~

~~5. Cualquier otra actividad prohibida por la ley del estado.~~

B. **penas.** ~~Cualquier persona condenada de una violación de esta sección será inelegible para un período de cinco 5 años siguientes a dicha condena a sostener~~

~~cualquier oficina de la ciudad o la posición, y si esa persona es un funcionario o empleado de la ciudad, inmediatamente él o ella perderá su oficina o posición. El Concejo Municipal establecerá por ordenanza cualquier otra disposiciones y sanciones que considere adecuado.~~

SECTION 4. The Burnet County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Sección 4. *El Secretario del Condado de Burnet y sus empleados y personas designadas y la jueces electorales, jueces alternos y empleados apropiadamente designados para la elección, se mantenga y llevar a cabo la elección en la forma prevista por el contrato con la ciudad y la ley que rige la celebración de elecciones generales por las ciudades de la autonomía del estado de Texas; y las papeletas oficiales, junto con otros materiales de elección de tales como son requeridas por el Código de ELEC. Tex., será preparado en inglés y español y deberá contener tales disposiciones, marcas y lenguaje como es requerido por ley.*

SECTION 5. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Clerk, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Clerk. Early voting shall commence on Monday, April 23, 2018, and continue through Monday, May 1, 2018. Early voting shall also be held at any time and location authorized by the Burnet County Clerk.

Sección 5. *Votación temprana de, tanto en persona como por correo, se realizará por el Secretario del Condado Burnet, que es designado y designado como la votación adelantada, según el Código electoral de Texas. Votación temprana en persona se realizarán en los tiempos, lugares y lugares autorizados por la ley del Estado y el Secretario del Condado de Burnet. Votación temprana deberá comenzar en lunes, 23 de abril de 2018 y continuar hasta martes, 1 de mayo de 2018. Votación anticipada también se celebrarán en cualquier tiempo y lugar autorizado por el Secretario del Condado de Burnet.*

SECTION 6. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Clerk shall tabulate and provide the election returns for the election.

Sección 6. *Tprecintos electorales de él para la elección serán los precintos electorales establecidos por el Condado de Burnet, siempre que cada uno deberá contener e incluir*

el área geográfica que está dentro de la ciudad. El lugar de votación para cada recinto de dicha elección será el lugar de votación establecido por el Condado de Burnet para dichos precintos electorales en el Condado de Burnet y votar por los residentes de la ciudad. Las urnas deberán permanecer abiertas el día de la elección de 7:00 a 19:00 Los rendimientos de precintos en el Condado de Burnet serán proporcionados por el recinto y el Secretario del Condado de Burnet deberá tabular y proporcionar que devuelve las elecciones para la elección.

SECTION 7. The City Secretary, or designee, is instructed to aid the Burnet County Clerk in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*, provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Clerk shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Clerk shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

Sección 7. *El Secretario de la ciudad, o la persona designada, es instruido a la Secretaria del Condado de Burnet de ayuda en la adquisición y suministro de todos los suministros de elección y materiales necesarios para llevar a cabo las elecciones previstas por el acuerdo de elección. El Secretario de la ciudad más está autorizado a dar o causar dar avisos que se requiera para la elección, y para tomar las medidas adicionales y otras que se requiere para llevar a cabo la elección según las Tex. ELEC. código y la Constitución de la ciudad; siempre que, en virtud del acuerdo de elección entre la ciudad y Condado de Burnet, el Secretario del Condado de Burnet tendrá el deber y ser responsable de organizar y realizar las elecciones de conformidad con el Código de Tex. ELEC.; y para proporcionar todos los servicios especifican en el acuerdo de elección. El Secretario del Condado de Burnet dará las notificaciones requeridas por el Tex. ELEC. código de la elección no debe ser dada por la ciudad bajo el acuerdo de elección.*

SECTION 8. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Burnet County for the election.

Sección 8. *El Presidente de jueces, magistrados presidentes alternos y secretarios para la elección deberán ser seleccionados y nombrados por el Condado de Burnet y su designación en el cumplimiento de los requisitos de la ley del Estado, y dichos jueces y secretarios así seleccionados por el Condado de Burnet y sus designados por la presente son designados y nombrados por el Consejo de la ciudad como escrutadores, jueces y secretarios, respectivamente, para la celebración de elecciones generales de dicho. El presidentes de jueces, magistrados presidentes alternos y secretarios ejercerá las competencias y funciones de sus respectivas posiciones que son proporcionados por*

la ley del estado. El Consejo de la ciudad aún más confirmar y nombrar a los jueces de la elección y la elección alternativa jueces que son nombrados por el Condado de Burnet para la elección.

SECTION 9. Notice of the election shall be given by posting a notice containing a substantial copy of this Ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

Sección 9. *Aviso de la elección se dará mediante la publicación de un aviso que contiene una copia sustancial de esta ordenanza en el tablón de anuncios que utilizan para publicación de aviso de las reuniones del órgano rector en el City Hall y en los centros de votación dicho día de la elección a más tardar el día 21 (21) antes de las elecciones y por publicar dicho aviso de elección al menos una vez, no anterior a treinta 30 días ni después de diez 10 días antes de dicha elección, en un periódico de circulación general en la ciudad. El aviso de que se registra y el aviso que se publica en un periódico de circulación general dentro de la ciudad, se escribirá en inglés y español.*

SECTION 10. The election shall be held and conducted by the Burnet County Clerk in compliance with state law and the Election Agreement. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

Sección 10. *La elección se celebró y llevada a cabo por el Secretario del Condado de Burnet en cumplimiento de la ley del Estado y el acuerdo de elección. Y, esta ordenanza estará en vigencia desde y después de su paso en la fecha que se muestra a continuación.*

SECTION 11. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Sección 11. *Queda oficialmente se encuentra y se determinó que esta reunión fue abierta al público, y se dará el aviso público del tiempo, lugar y propósito de esta reunión, como establece la ley de reuniones abierto, capítulo 551, código de Gobierno de Texas.*

Passed and Approved on first reading this the 23rd day of January, 2018.

Pasado y aprobado en primera lectura esto el día 23 de enero de 2018.

Passed and Approved on second and final reading this the 13 day of febrero, 2018

Pasado y aprobado en la segunda y última lectura de esto el día 13 de febrero de 2018

**CITY OF BURNET, TEXAS
CIUDAD DE BURNET, TEXAS**

Crista Goble Bromley, Mayor

Crista Goble Bromley, alcalde

Attest:

Atestiguar:

Kelly Dix, City Secretary

Kelly Dix, Secretario de la ciudad



Administration

ITEM 5.3

Connie Maxwell
Director of Budgets/Special
Projects
(512)-756-6093 ext. 3219
cmaxwell@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell

Background:

Information:

Fiscal Impact: As noted on Attachment "A".

Recommendation: Approve and adopt Ordinance 2018-04 as presented.

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.

WHEREAS, the City of Burnet, Texas Fiscal Year 2017-2018 Budget was adopted by Ordinance 2017-18 within the time and in the manner required by State Law; and

WHEREAS, the City of Burnet, Texas has reviewed the Budget; and

WHEREAS, the City Council of the City of Burnet, Texas has considered the status of the Capital Improvement Projects for the rest of the fiscal year; and

WHEREAS, the City Council of the City of Burnet, Texas hereby finds and determines that it is prudent to amend the line items due to unforeseen situations that have occurred in the City; and

WHEREAS, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

WHEREAS, the City Council of the City of Burnet, Texas finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these line items due to unforeseen situations and a matter of public necessity warranting action at this time;

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

Section 1. Findings

The facts and matters set out above are found to be true and correct.

Section 2. Purpose

The City of Burnet, Texas, Fiscal Year 2017-2018 Budget is hereby amended to reflect effect of unforeseen circumstances,

Section 3. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a

prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses, and phrases of the Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections..

PASSED AND APPROVED the First Reading on this the 23rd day of January, 2018

FINALLY PASSED AND APPROVED on this 13th day of February, 2018.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHEMENT A:

\$19,000 from Hotel/Motel fund balance for a new message board with radar.

\$15,000 from Fund Balance in the General Fund to cover additional expenses incurred for CR 200 Drainage improvements.

\$11,000 from Fund Balance in the General Fund to cover additional cost of truck purchased for the Street Department.

\$100,000 from Fund Balance in BEDC to cover contribution for improvements on CR340A.

\$7,500 from Fund Balance in the General Fund for disposition costs for the land being given to the County.



ITEM 5.4

Planning and Zoning

Mark Lewis
Director of Community
Development
(512)-756-6093 ext. 3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: Planning and Zoning Commission Appointments: M. Lewis
Background:	<p>There are three positions up for appointment to the City of Burnet Planning and Zoning Commission. Two of the positions are filled by Commission members whose terms are expiring. The third position is vacant due to a Commission member resignation.</p>
Information:	<p>Dana Delgado and Caryn Paye currently hold the two expiring positions. Ms. Delgado and Ms. Paye are both seeking reappointment to their existing Commission seats. The third position has been open since William Piotrowski resigned from the Commission in August of last year.</p> <p>In addition to Ms. Delgado and Ms. Paye, there are two applications for appointment to the Commission. The other applicants are:</p> <ul style="list-style-type: none">➤ Ricky Langley➤ Calib Williams <p>Copies of Mr. Langley's and Mr. Williams applications for appointment are attached and follow this report.</p> <p>Ms. Delgado and Ms. Paye are active and dependable Commission members. Mr. Langley and Mr. Williams are qualified applicants. All of the applicants are eligible for appointment/reappointment to the Planning and Zoning Commission.</p>
Fiscal Impact:	None
Recommendation:	To be determined by Council.



CITY OF BURNET

P. O. Box 1369
1001 Buchanan Drive
Burnet, Texas 78611
Phone: 512-756-6093 Fax: 512-756-8560

COMMUNITY SERVICE APPLICATION

I am interested in serving on the following City of Burnet Board or Commission:

☒ Economic Development
☐ Corporation Board
☐ Historic Board
☐ Board of Adjustments and Appeals

☒ Planning & Zoning Commission
☐ Airport Advisory Board
☐ Charter Review Committee

Name: Ricky Langley Email: Ricky@LangleyHomesTx.com

Home Address: 540 Oak Vista DOB: 1-14-67

Home Phone: 512-734-3171 Business Phone: 512-734-3170

Resident of Burnet for 7 years. Voter Registration No.: _____

Occupation: Home Builder

Education (Optional): _____

Special knowledge or experience applicable to City board or commission function:

☐ Banking/Finance
☒ Building/Construction
☒ Real Estate/Development
☐ Industrial Training

☒ Business Development
☒ Promotion/Marketing
☐ Manufacturing/Industrial Operations
☐ Law/Contract Administration

Do you serve on any other board/commission at this time: If so, please list:

NO

Other information (professional and/or community activities):

I have attended one or more meetings of the board or commission for which I have applied. 2 Yes
_____ No

Date: 2-1-2-18 Signature: [Signature]

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE



CITY OF BURNET

P. O. Box 1369
1001 Buchanan Drive
Burnet, Texas 78611
Phone: 512-756-6093 Fax: 512-756-8560

COMMUNITY SERVICE APPLICATION

I am interested in serving on the following City of Burnet Board or Commission:

<input type="checkbox"/> Economic Development	<input type="checkbox"/> Parks & Recreation Advisory Board
<input type="checkbox"/> Corporation Board	<input checked="" type="checkbox"/> Planning & Zoning Commission
<input type="checkbox"/> City of Burnet Historical Board	<input type="checkbox"/> Airport Advisory Board
<input type="checkbox"/> Board of Adjustments	<input type="checkbox"/> Ethics Board
<input checked="" type="checkbox"/> Charter Review Committee	<input type="checkbox"/> Other _____

Name: Calib Williams Email: calib@traxion82.com

Home & Mailing Address: 245 Sunday Dr. Burnet, Tx. 78611 DOB: 3/5/82

Home Phone: 4322962204 Business Phone: 4326879165

(For Planning and Zoning or Board of Adjustment applicants only): Resident of Burnet for _____ years. Registered Voter of the City of Burnet? Yes ☐ No ☒

Occupation: Systems Administrator

Education (Optional): _____

Special knowledge or experience applicable to City board or commission function: _____

- | | |
|---|--|
| <input checked="" type="checkbox"/> Banking/Finance | <input type="checkbox"/> Business Development |
| <input type="checkbox"/> Building/Construction | <input type="checkbox"/> Promotion/Marketing |
| <input type="checkbox"/> Real Estate/Development | <input type="checkbox"/> Manufacturing/Industrial Operations |
| <input type="checkbox"/> Industrial Training | <input type="checkbox"/> Law/Contract Administration |
| | <input checked="" type="checkbox"/> Other |

Do you serve on any other board/commission at this time: If so, please list: _____

Other information (professional and/or community activities):
Working with Highland Lakes Habitat for Humanity

I have attended one or more meetings of the board or commission for which I have applied. ☐ Yes ☒ No
How many times _____ in the past _____ months.

This application is the only information considered for appointments by the City Council.
PLEASE, RETURN THIS COMPLETED FORM TO THE CITY SECRETARY'S OFFICE

Calib Williams
Signature

07/12/17
Date



Administration

ITEM 5.5

Evan Milliorn
Administrative Services
(512) 715 - 3200
emilliorn@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE ANNEXATION, OF 1.874 ACRES OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, THE LEMUEL TAYLOR SURVEY NO. 8, ABSTRACT NO. 800 AND THE SAM HAZLOTT SURVEY NO. 6, ABSTRACT NO. 401, ALSO BEING OUT OF THE OCCUPIED RIGHT-OF-WAY OF JOHN W. HOOVER PARKWAY, BURNET COUNTY, TEXAS; DIRECTING THE CITY SECRETARY TO FILE THIS ORDINANCE WITH THE COUNTY CLERK OF THE COUNTY OF BURNET; ADOPTING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: E. Milliorn

Background: The annexation ordinance and associated service plan are attached for your review.

Information: This is the first of two readings of the ordinance that will annex John W. Hoover Parkway. This annexation consists of public right-of-way. No private property is being annexed and the service plan shows that the City, utilizing existing resources, will be able to provide services to the annexed area at a level comparable to similar areas of the City.

Fiscal Impact: None.

Recommendation: Approve the first reading of Ordinance 2018-05 as presented.

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE ANNEXATION, OF 1.874 ACRES OF LAND SITUATED IN BURNET COUNTY, TEXAS, OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, THE LEMUEL TAYLOR SURVEY NO. 8, ABSTRACT NO. 800, AND THE SAM HAZLOTT SURVEY NO. 6, ABSTRACT NO. 401, ALSO BEING OUT OF THE OCCUPIED RIGHT-OF-WAY OF JOHN W. HOOVER PARKWAY, BURNET COUNTY, TEXAS; DIRECTING THE CITY SECRETARY TO FILE THIS ORDINANCE WITH THE COUNTY CLERK OF THE COUNTY OF BURNET; ADOPTING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burnet, Texas (the "City") is authorized to annex territory in accordance with Texas Local Government Code, Section 43.021 and the City's home-rule charter; and

WHEREAS, the territory to be annexed consists of that 1.874 acre portion of John W. Hoover Parkway located west of the City of Austin Railroad right-of-way and extending in a westerly direction to the existing City of Burnet corporate boundaries ("Annexation Area") and is adjacent to the City of Burnet corporate boundaries and within the extraterritorial jurisdiction of the City, under the terms of Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Burnet, Texas (the "City Council") has found it necessary and in the public interest to expand the city limits to include the Annexation Area as more particularly described on Exhibit "A" and by metes and bounds on Exhibit "B"; and

WHEREAS, the Annexation Area is exempt from the City's municipal annexation plan pursuant to Texas Local Government Code 43.052 (h) (1); and

WHEREAS, the City has prepared a Service Plan for the Annexation Area attached hereto as Exhibit "C"; and

WHEREAS, written notice of the City Council's intent to annex the Annexation Area was mailed in accordance to Texas Local Government Code 43.062; and

WHEREAS, the City Council held public hearings in accordance with Texas Local Government Code, Section 43.063 on January 23, 2018 and February 13, 2018; and

WHEREAS, the City Council conducted two public readings of this ordinance in accordance with Texas Local Government Code on February 13, 2018 and February 27, 2018.

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

SECTION 1: Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as findings of fact.

SECTION 2: Annexation. The tract of land and territory more particularly described on Exhibit "A" and by metes and bounds on Exhibit "B," copies of which are attached hereto and incorporated for all purposes herein, is hereby annexed to the City of Burnet, Burnet County, Texas. The boundary limits of the City of Burnet, Texas, are hereby extended to include the above described territory within the Municipal Limits of the City of Burnet, Texas, and persons residing within the same shall be inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Burnet, Texas, and shall be bound by the acts, ordinances, resolutions and regulations of the City of Burnet.

SECTION 3: Service Plan. The Service Plan provided for in Exhibit "C", a copy of which is attached hereto and incorporated for all purposes herein, is hereby adopted.

SECTION 4: Filing. The City Secretary is hereby directed to file with the County Clerk of Burnet County, Texas, a certified copy of this Ordinance.

SECTION 5: Severability. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

SECTION 6: Effective Date. This ordinance becomes effective upon its approval by City Council at second and final reading.

PASSED AND APPROVED on First Reading this the 13th day of February, 2018.

FINALLY PASSED AND APPROVED on this 27th day of February, 2018.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Police Department

ITEM 5.6

Paul Nelson
Police Chief
(512)-756-6404
pnelson@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: Improvements to the Animal Shelter: P. Nelson
Background:	The Police Department currently houses dog/cats at the City of Burnet Animal Shelter for overnight or over the weekend purposes, until the animal(s) can be transported to the Hill Country Humane Society. In December the City of Burnet Animal Shelter was inspected by Dr. Kyle and Dr. McBride, and through that inspection there were approximately 25 deficiencies located that will need to be repaired, and if not repaired the Animal Shelter can either be shut down or fined by the State of Texas Department of Health Services Infectious Disease Control Unit. .
Information:	The Police Department has received a quote, and is confident that it can be done for under \$30,000.00.
Fiscal Impact:	The cost for the needed repairs will be \$30,000.00
Recommendation:	The staff recommends approval.



City Manager

ITEM 5.7

David Vaughn
City Manager
(512)715-3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: Appointment to Police Department Facility Committee: D. Vaughn
Background:	Council Member Milton Phair has requested to be removed from the Police Department Facility Committee.
Information:	Council will need to appoint one Council Member to serve in the vacated position on the committee.
Fiscal Impact:	None
Recommendation:	To be determined by Council.



City Manager

ITEM 5.8

David Vaughn
City Manager
(512)715-3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: Direction to staff regarding the Freeport Tax Exemption: D. Vaughn
Background:	In 1990 the City Council voted to exempt Freeport goods from taxation; however they failed to follow-up with an ordinance to formally adopt the Freeport exemption. Late last year the city realized the exemption had not been properly adopted, which resulted in two businesses being taxed on Freeport goods that had been exempted the previous year.
Information:	Recently, city staff learned of a business that is relocating from Marble Falls to Burnet, where they currently receive the exemption (Gibraltar). The exemption is currently offered by Burnet County, both MFISD and BCISD, and the City of Marble Falls. Once the Freeport exemption is adopted, it cannot be rescinded.
Fiscal Impact:	For tax year 2017, the City received approximately \$56,500 that would be exempt in future years if the exemption is adopted. If Council chooses not to adopt the exemption, and Gibraltar proceeds with relocation to Burnet, their taxes would increase by an estimated \$20,000.
Recommendation:	Staff seeks council guidance.



Finance Department

ITEM 5.9

Patricia Langford
Director of Finance
(512) 715-3205
plangford@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford
Background:	Dictated by the Public Funds Investment Act.
Information:	Must be reviewed and adopted on an annual basis.
Fiscal Impact:	None
Recommendation:	Staff recommends approval of resolution number R2018-02 adopting an Investment Policy for the City of Burnet as presented.

RESOLUTION NO. R2018-02

A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING BUDGET DIRECTOR AND FINANCE DIRECTOR AS THE INVESTMENT OFFICERS.

WHEREAS, Chapter 2256 of the Government Code, commonly known as the “Public Funds Investment Act, “ requires the city to adopt an investment policy by rule, order, ordinance, or resolution; and

WHEREAS, the Public Funds Investment Act requires the investment officer of the city to attend investment training; and

WHEREAS, the City of Burnet approves the investment training course sponsored by the Texas Municipal League; and

WHEREAS, the investment officers of the city, have attended an investment training course sponsored by the Texas Municipal League as required by the Public Funds Investment Act; and

WHEREAS, the attached investment policy and incorporated strategy comply with the Public Funds Investment Act and authorize the investment of city funds in safe and prudent investments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS:

That the City of Burnet has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as “Exhibit A,” is hereby adopted as the investment policy of the city effective February 13, 2018.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Burnet this the 13th day of February, 2018.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

“Exhibit A”

CITY OF BURNET INVESTMENT POLICY

The investment policy of the City is to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing investment of public funds.

SCOPE

The investment policy applies to investment activities of all funds of the City and all funds under the control of the City.

Funds covered by this policy are as follows:

All funds

OBJECTIVES

The primary objectives, in priority order, of the City's investment activities are:

1. **Safety.** Safety of principal is the primary objective of the investment transaction. Investments shall be made in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. **Liquidity.** The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. **Return on investment.** The City's investment portfolio will be designed with the objective of attaining a rate of return commensurate with the City's investment risk restraints and the cash flow operating requirements.
4. **Diversification.** Diversification may be required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

STANDARD OF CARE

Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

DELEGATION OF AUTHORITY

Authority to manage the City's investment program is derived from state statutes and City resolutions. The Investment Officers for the City of Burnet designated by the City

Manager shall invest and reinvest funds of the City in accordance with the City's investment policy. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate subordinate officials. The current Investment Officers are Patricia Langford and Connie Maxwell.

INVESTMENT TRAINING

It is the City's policy to provide training required by the Public Funds Act, Sec. 2256.008 for the City's Investment Officers. The Investment Officers shall attend at least one training session within twelve months after taking office or assuming duties. In addition, they shall participate in an investment training session not less than once in a two year period consisting of not less than 8 hours of instruction. Training includes education in investment controls, security risks, strategy risks and compliance with the Public Funds Investment Act.

ETHICS AND CONFLICTS OF INTEREST

An Investment Officer who has a personal business relationship with an entity seeking to sell an investment to the City will file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. These statements must be filed with the Texas Ethics Commission and the City Council.

COLLATERALIZATION

All funds must be insured by the FDIC or FSLIC or by collateral pledged to the extent of the fair market value of any amount not insured. To the extent not insured by the FDIC or FSLIC, City funds must be secured by direct obligations of the United States backed by the full faith and credit of the government or by governmental securities or obligations issued by the State of Texas, its agencies or political subdivisions. Collateral will be held by an independent third party, and a safekeeping receipt will be supplied to the City. The City's bank depository will provide the City with a monthly report on the collateral pledged, and a City representative will have the right to inspect the pledged collateral at any time. Collateral may be substituted; however, the City must approve any substitution of collateral in writing.

INVESTMENT POLICY DISCLOSURE

A written copy of the City's investment policy shall be presented to any person seeking to sell to the City an authorized investment. The registered principal of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the registered principal has received and thoroughly reviewed the Investment Policy of the City and acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization. The Investment Officers of the City may not buy any securities from a person who has not delivered to the City a written document providing the above information.

AUTHORIZED INVESTMENTS

Investments described below are some of those authorized by the Public Funds Investment Act and considered suitable for investment of City funds:

1. Obligation of the United States or guaranteed by the United States. The City may invest in funds in obligation of the United States or its agencies and instrumentalities.
2. Certificates of Deposit. The City is authorized to invest its funds in certificates of deposit or other interest bearing accounts of any bank or savings and loan association domiciled in the State of Texas. All certificates of deposit must be fully insured or collateralized. Certificates of deposit should mature one to twenty-four months after purchase with maturity dates falling one to six months apart.
3. Public Funds Investment Pools. The City is authorized to invest in public fund investment pools which strive to maintain a stable \$1.00 net asset value and maintain either a "AAA" or "AA" rating from a nationally recognized rating agency.

INVESTMENT STRATEGIES

Investment strategies are developed to attain the investment objectives of the City.

GENERAL FUND AND ENTERPRISE FUNDS

The investment objectives of the City are as follows:

1. Safety of Principal
2. Liquidity. Availability of funds to meet the monthly operating expenditures of the City in accordance with budgeted expenditures and availability of funds to meet unexpected expenditures.

To attain these objectives, investments should be short term that can be liquidated to assure adequate cash flows as necessary. The weighted average maturity should be 180 days or less.

CAPITAL PROJECTS FUND

The investment objectives of the capital projects fund are as follows:

1. Safety of Principal
2. Availability of funds to meet construction needs of the City.

To attain these objectives, investment maturities should be structured to mature no later than the date funds will be needed for project payments.

DEBT SERVICE FUNDS

Investment objectives of the debt service funds are as follows:

1. Safety of Principal
2. Liquidity
3. Yield

Since payment of debt is one of the highest priorities of the City, safety of principal should be of the highest priority when selecting an investment. To ensure safety,

investments should consist of United States Treasury notes and bills, public fund investment pools, and certificates of deposit. The investment should have a weighted average maturity of 365 days or less and should be structured to insure that the necessary amounts to retire debt on each date will mature 5 days before said due date.

INVESTMENT REPORTS

No less than quarterly, the Investment Officers shall prepare and submit to the City Council a quarterly written investment report. The report must describe in detail the investment position of the City on the date of the report, state the book value and fair market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the maturity date of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the fund for which each individual investment was acquired and state the compliance of the investment portfolio of the City as it relates to the investment policies and investment strategies expressed in the City's Investment Policy and the Public Funds Investment Act.

COMPLIANCE AUDIT

The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the City's Investment Policy.



Public Works

ITEM 5.10

Gene Courtney
Public Works Director
512-756-2402
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 94 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY ESTABLISHING A NEW ARTICLE III. – “WIRELESS NETWORK PROVIDERS” FOR THE PURPOSE OF REGULATION THE USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; CREATING AND REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING PROCEDURES AND TIME PERIODS FOR ACCEPTING AND PROCESSING PERMIT APPLICATIONS; PROVIDING APPLICATION AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL FEES; RESTRICTING PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS; RESIDENTIAL AREAS, AND HISTORIC DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: G. Courtney

Background: “Network node” means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes:

(A) Equipment associated with wireless communications; a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and coaxial

or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation

Information: Chapter 284 of the Texas Local Government Code “Deployment of Network Node in a Public Right-of-Way” became Law in September 1, 2017

Fiscal Impact: None

Recommendation: A motion to approve of the first reading of Ordinance 2018-06 as presented.

ORDINANCE NO. 2018-06

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 94 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY ESTABLISHING A NEW ARTICLE III. – “WIRELESS NETWORK PROVIDERS” FOR THE PURPOSE OF REGULATION THE USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; CREATING AND REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING PROCEDURES AND TIME PERIODS FOR ACCEPTING AND PROCESSING PERMIT APPLICATIONS; PROVIDING APPLICATION AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL FEES; RESTRICTING PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS; RESIDENTIAL AREAS, AND HISTORIC DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Burnet (City) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code (the Code) allows certain wireless network providers to install in the City’s public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as “Micro Network Nodes,” “Network Nodes,” “Node Support Poles,” and Transport Facilities; and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City has enacted a *Design Manual for the Installation of Network Nodes, Node Support Poles and Transport Facilities* (the Design Manual) in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Council desires to regulate the installation of Network Nodes, Network Support Poles and Transport Facilities pursuant to Chapter 284 of the Code in a way that is fair, reasonable and nondiscriminatory.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Chapter 94, Article III – Wireless Network Providers Established.
A new Chapter 94, Article III – Wireless Network Providers is hereby established as follows:

Sec. 94-40 – 94-50 Reserved

Sec. 94-51. Purpose

The purpose of this article is to:

- (a) Assist the City in the competitively neutral and nondiscriminatory management of the physical use, occupancy and maintenance of its public rights-of-way by wireless network providers;
- (b) Secure fair and reasonable compensation for the physical use and occupancy of the public rights-of-way by wireless network providers in a nondiscriminatory and competitively neutral manner; and
- (c) Assist the City in protecting the public health, safety, and welfare.

Sec. 94-52. Governing Law

This chapter shall be construed in accordance with Chapter 284 of the Texas Local Government Code (the Code) to the extent not in conflict with the Constitution and laws of the United States or the State of Texas.

Sec. 94-53. Definitions

For the purpose of this article, the definitions found in the City *Design Manual for the Installation of Network Nodes, Node Support Poles, and Transport Facilities* (the Design Manual) are hereby incorporated into this article and shall apply unless the context clearly indicates or requires a different meaning. The following definitions as found in the Design Manual are specifically applicable to this article.

Applicable Codes means

- (a) the building, fire, electrical, plumbing, or mechanical codes promulgated by a recognized national code organization and adopted by the City; and
- (b) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Burnet, Texas.

City Council means the municipal governing body of the City of Burnet, Texas.

City Manager means the Manager or his/her designee for the City of Burnet, Texas.

Chapter 284 means Texas Local Government Code, Chapter 284.

Code means the Texas Local Government Code.

Collocate and collocation mean the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a public right-of-way on or adjacent to a pole.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes and ordinances.

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City-approved and lawfully permitted location of the Network Node.

Mayor means the mayor of the City of Burnet, Texas, or designee.

Micro network node means a Network Node that is not larger in dimension than 24-inches in length, 15-inches in width, and 12-inches in height, and that has an exterior antenna, if any, not longer than 11-inches.

Municipal park means an area that is zoned or otherwise designated by the City as a public park for the purpose or recreational activity.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(a) includes:

- (1) equipment associated with wireless communications;
- (2) a radio transceiver, an antenna, a batter-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (3) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(b) does not include:

- (1) an electric generator;
- (2) a pole; or
- (3) a macro tower

Network provider means:

(a) a wireless service provider; or

(b) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (1) Network Nodes; or
- (2) Node Support Poles or any other structure that supports or is capable of supporting a network node; or
- (3) Transport Facilities

Node support pole means a pole installed by a network provider for the primary purpose of supporting a Network Node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, City-owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include:

- (a) A private easement; or
- (b) The airwaves above a public right-of-way with regard to wireless telecommunications.

Service pole means a pole, other than a City-owned utility pole, owned or operated by the City and located in a public right-of-way, including:

- (a) A pole that supports traffic control functions;
- (b) A structure for signage;
- (c) A pole that supports lighting, other than a decorative pole; and
- (d) A pole or similar structure owned or operated by a municipality and supporting only network nodes.

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A “Street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a Network Node directly to the network, for the purpose of providing backhaul for network nodes.

User means a person or organization which conducts a business over facilities occupying the whole or part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (a) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (b) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” “Node Support Poles,” and “Transport Facilities” as defined in Texas Local Government Code, Chapter 284.

Sec. 94-54. Use and occupancy of Public Rights-of-Way

Pursuant to this chapter and subject to the Design Manual and the Code, a wireless network provider that the nonexclusive right to use and occupy the public rights-of-way in the City for the purpose of constructing, maintaining, and operating its facilities used in the provision of Wireless Facilities.

The terms of this chapter shall apply to all wireless network providers; facilities used, in whole or part, in the provision of wireless services throughout the City, including any annexed areas upon the effective date of annexation or the date the City provides the company written notice, whichever date occurs later.

Sec. 94-55. Compliance with Design Manual and Applicable Codes

All wireless network providers shall comply with the terms of this right-of-way management ordinance, City applicable codes, and the terms and conditions of the City’s Design Manual a copy of which is attached hereto and incorporated for all purposes herein.

Sec. 94-56. General construction and maintenance requirements

A network provider shall construct and maintain Network Nodes, Network Support Poles and Transport Facilities described in the Code in a manner that does not:

- (a) Obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (b) Obstruct the legal use of a public right-of-way by other utility providers;
- (c) Violate nondiscriminatory applicable codes;

- (d) Violate or conflict with the City's publicly disclosed public right-of-way design specifications; or
- (e) Violate the federal Americans with Disabilities Act of 1990 (ADA).

Sec. 94-57. Permit applications

- (a) Except as otherwise provided in Chapter 284 of the Code, a network provider shall obtain a permit or permits from the City to install a Network Node, Node Support Pole, or Transport Facility in a City public right-of-way.
- (b) As required by Chapter 284 of the Code, the City shall not require a network provider to perform services for the City for which the permit is sought.
- (c) A network provider that wants to install or collocate multiple Network Nodes inside the municipal limits of the City is entitled to file a consolidated permit application with the City for not more than thirty (30) Network Nodes and upon payment of the applicable fee(s), receive a permit or permits for the installation of collection of those Network Nodes.
- (d) The network provider shall provide the following information in its permit applications:
 - (1) Applicable construction and engineering drawings and information to confirm that the applicant will comply with the City's Design Manual and applicable codes;
 - (2) Any additional information reasonably related to the network provider's use of the public rights-of-way to ensure compliance with the Design Manual and this chapter;
 - (3) A certificate that the Network Node(s) complies with the applicable regulations of the Federal Communications Commission; and certification that the proposed Network Node(s) will be placed into active commercial service by or for the network provider not later than the 60th day after the date of construction and final testing or each Network Node is completed.
 - (4) A certificate of insurance that provides that the Network Provider and its contractor has at least \$1,000,000.00 (one-million dollars) in general liability coverage.
- (e) **Exception:** As provided in Section 284. 157 of the Code, a Network Provider is not required to apply, obtain a permit, or pay a rate to the City for:
 - (1) Routine maintenance that does not require excavation or closing of sidewalks, recreational trails, or vehicular lanes in a public right-of-way;
 - (2) Replacing or upgrading a Network Node or Network Pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks, recreational trails, or vehicular lanes in a public right-of-way;
 - (3) The installation, placement, maintenance, operation or replacement of Micro Network Nodes that are strung on cables between existing poles or Node Support Poles in compliance with the National Electrical Safety Code; or
 - (4) Notwithstanding Subdivision (e) above, the network provider or its contractors shall notify the City at least twenty-four (24) hours in advance of work described in this Subdivision (e).

Sec. 94-58. Installation in Historic Districts

A Network Provider must obtain advance written consent from the City Council before collocating new Network Nodes or installing new Node Support Poles in an area of the City that has been zoned or otherwise designated as a Historic District. The network provider shall be required to comply with the General Aesthetic Requirements described in the City's Design Manual. The City has the authority to designate new Historic Districts at a future date.

Sec. 94-59. Installation in Municipal Parks and residential areas.

A network provider may not install a new Node Support Pole in a public right-of-way without the City Council's discretionary, nondiscriminatory and written consent if the public right-of-way:

- (1) Is in a municipal park; or
- (2) Is adjacent to a street or thoroughfare that is:
 - (A) Not more than fifty (50) feet wide; and
 - (B) Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- (3) In addition to the above, a Network Provider installing a Network Node, Node Support Pole, or Transport Facilities in a public Right-of-Way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- (4) The Network Provider shall be further required to comply with guidelines set out in the City's Design Manual

Sec. 94.60. Municipal review process by the City.

- (a) **Determination of Application Completeness:** The City shall determine whether the permit application is complete and notify the applicant of that determination:
 - (1) *For Network Nodes and Node Support Poles:* No later than thirty (30) days after the date the City receives the permit application.
 - (2) *For a Transport Facility:* No later than ten (10) days after the date the City receives the permit application.
- (b) **Approval or denial of application:** The City shall approve or deny a completed application after the date it is submitted to the City:
 - (1) *For Network Nodes:* No later than sixty (60) days after the date the City receives the complete application.
 - (2) *For Network Support Poles:* No later than one-hundred-fifty (150) days after the date the City receives the complete application.
 - (3) *For Transport Facilities:* No later than twenty-one (21) days after the City receives the complete application.

- (c) **Basis for denial of application:** If an application is denied by the City, the City shall document the basis for the denial, including the specific applicable City code provisions or other City rules, regulations, or other law on which the denial is based. The documentation for the denial must be sent by electronic mail to the applicant on or before the date that the City denies the application.
- (d) **Resubmission of denied application:** The applicant may cure the deficiencies identified in the denied application.
 - (1) The applicant has thirty (30) days from the date the City denies the completed application to cure the deficiencies identified in the denial documentation without paying an additional application fee, other than any fee for actual costs incurred by the City.
 - (2) The City shall approve or deny the revised completed application after a denial not later than the ninetieth (90th) day aft the City receives the revised completed application. The City's review shall be limited to the deficiencies cited in the denial documentation.
- (e) **Nondiscriminatory review:** Each completed application shall be processed by the City on a nondiscriminatory basis.

Sec. 94-61. Time of Installation.

A Network Provider shall begin installation for which a permit is granted not later than six months after final approval of the application and shall diligently pursue installation to completion. The City Manager may in his/her sole discretion grant reasonable extensions of time as requested by the network provider.

Sec. 94-62. Applicable fees and rental rates to the city.

- (a) As compensation for the Network Provider's use and occupancy of the City public rights-of-way, the Network Provider shall pay application fees and annual public right-of-way rental rates as set forth herein, which shall not be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way relate charge or fee, whether charged to the Network Provider or its contractor(s) within the City, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the City.
- (b) Schedule of Fees relating to this article shall be as follows:

Network Nodes	
Application fee 1 to 5 nodes	\$ 500.00
Fee for each additional node up to a maximum of 30	\$ 250.00

Annual Public Right-of-Way fee	\$1,000.00
Collocation fee (per pole) for Network Nodes on City Service Poles	\$ 12.00
Transport Facilities	
Application Fee 1 to 5 nodes	\$ 500.00
Fee for each additional node up to a maximum of 30	\$ 250.00
Transport Rental Facility rental fee per device, per month, not to exceed the aggregate “per node “ fee	\$ 28.00

(c) Public Right-of-Way adjustment: As provided in Sec. 284.054 of the Code, the City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI) for all Urban Consumers for Texas. The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the sixtieth (60th) day following the written notice.

(d) Micro Network Nodes:

(1) No application fee is required for a Micro Network Node if the installation is attached on lines between poles or node support poles.

(e) Collocation of network Nodes on Services Poles:

(1) Subject to the City’s Pole Service Agreement, there shall be a fee assessed per year per pole for collocation of Network Nodes on City service poles.

(f) City-owned municipal utility poles

(1) A Network Provider shall pay an annual pole attachment rate for the collocation of a Network Node supported by or installed on a City-owned utility pole based on the pole attachment rate consistent with Section 54.024 of the Texas Utilities Code, applied on a per-foot basis.

(g) The City shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of-way for use of the public rights-of-way.

Sec. 94-63. Indemnity

As provided in Section 284.302 of the Code, a wireless Network Provider shall indemnify, defend, and hold the City harmless from and against all liability, damages, cost, and expense, including reasonable attorney's fees, arising from injury to person or property proximately caused by the negligent act or omission of the Network Provider. The City shall promptly notify the Network Provider of any claims, demands, or actions (claims) covered by this indemnity after which the Network Provider shall defend the claims. The Network Provider shall have the right to defend and compromise the claims. The City shall cooperate in the defense of the claims. The foregoing indemnity obligations shall not apply to claims arising solely from the negligence of the City; however, they shall apply in the case of all claims which arise from the joint negligence of the Network Provider and the City; provided that in such cases, the amount of the claims for which the City shall be entitled to indemnification shall be limited to that portion attributable to the Network Provider. Nothing in this section shall be construed as waiving any governmental immunity available to the City under state law or waiving any defenses of the parties under state law.

Sec. 94-64 Effect on other utilities and telecommunication providers.

Nothing in this Ordinance shall govern attachment of Network Notes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunication providers.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 13th day of February 2018.

FINALLY PASSED AND APPROVED on this 27th day of February 2018.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Public Works

ITEM 5.11

Gene Courtney
Public Works Director
(512)-756-2402
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13,2018
Agenda Item:	Discuss and consider action: Authorize the City Manager to execute an agreement for maintenance of the cemeteries: G. Courtney
Background:	<p>The City of Burnet Parks Department currently maintains 260 acres of public land. This includes 5 City Parks, 4 cemeteries, the Airport grounds, 11 Athletic Fields, Drainage areas, EDC owned properties, public rights of way, and City owned alleyways.</p> <p>Facility operation is also a large portion of their responsibilities. Before and after any rental of the Community Center the Parks Department is there setting up or cleaning up. They maintain the Council Chambers as well as the meeting center. When there is an event such as Summer Series or movie at the parks they are a vital role in the set up and break down of the events.</p>
Information:	<p>The Parks Department is staffed with 7 full time employees, and has assistance from the prison with 7 labors. Even though the prison crews are extremely vital in helping the department their presence is not guaranteed which causes the repetitive nature of their maintenance to suffer. The goal of this is to bring in a third party to ensure the weekly maintenance of the cemeteries while allowing the Parks Department to increase the frequency at which it maintains other areas of the city. Maintenance of the cemetery areas by a third party operation would assist in reaching the expectation of maintenance that has been set by Council and the community.</p>
Fiscal Impact:	<p>\$3925.00 a month: staff would like to use the funding granted in the budget for one full time employee for the remaining seven months of this budget year to fund this maintenance.</p>

Recommendation: Authorize the City Manager to execute an agreement with Texas Land Care for cemetery maintenance.

Racial Profiling Report | Tier one

Agency Name:	Burnet Police Department
Reporting Date:	01/25/2018
TCOLE Agency Number:	53201
Chief Administrator:	Paul Nelson
Agency Contact Information:	
Phone:	5127566404
Email:	pnelson@cityofburnet.com
Mailing Address:	PO Box 1369 Burnet Tx 78611

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1), Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

Burnet Police Department has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibits peace officers employed by the Burnet Police Department from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Burnet Police Department if the individual believes that a peace officer employed by the Burnet Police Department has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the Burnet Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Burnet Police Department's policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

a.) the race or ethnicity of the individual detained;

b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and

c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:

a.) the Commission on Law Enforcement; and

b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Paul Nelson

Chief Administrator

Burnet Police Department

Date: 01/25/2018

Burnet Police Department Motor Vehicle Racial Profiling Information

Total stops: 2927

Number of motor vehicle stops

Citation only: 2927

Arrest only: 0

Both: 0

Race or ethnicity

African: 109

Asian: 22

Caucasian: 2358

Hispanic: 421

Middle eastern: 16

Native american: 1

Was race known ethnicity known prior to stop?

Yes: 16

No: 2911

Was a search conducted

Yes: 16

No: 2911

Was search consented?

Yes: 16

No: 0

Submitted electronically to the



The Texas Commission on Law Enforcement



Public Works

ITEM 6.1

Gene Courtney
Public Works Director
(512)715-3521
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date: February 13, 2018

Agenda Item: Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.086; Deliberations concerning municipally owned utility: pertaining to LCRA purchasing options: D. Vaughn

Background:

Information:

Fiscal Impact:

Recommendation:



Public Works

ITEM 8.1

Gene Courtney
Public Works Director
(512)715-3521
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 13, 2018
Agenda Item:	Discuss and consider action: LCRA purchasing options for wholesale power: G. Courtney
Background:	
Information:	To be determined by Council
Fiscal Impact:	
Recommendation:	To be determined by Council