



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

Notice is hereby given that a **City Council Workshop Meeting** will be held by the governing body of the above named City on the **9<sup>th</sup> day January, 2024** at **4:00 p.m.** at City Council Chambers, located at 2402 S. Water Street (HWY 281 South, Burnet Municipal Airport) Burnet, TX 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.

### 1. CALL TO ORDER:

### 2. CONSIDERATION ITEMS:

2.1) Discuss and consider: Charter Commission Report and recommendations: D. Vaughn

2.2) Discuss and consider: Airport hangar project update: D. Vaughn

2.3) Discuss and consider: Electric subdivision cost allocations and related development issues: D. Vaughn

### 3. ADJOURN:

Dated this 5<sup>th</sup> day, of January, 2024

**CITY OF BURNET  
GARY WIDEMAN, 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 January 5<sup>th</sup>, 2024 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

*Kelly Dix*

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Kelly Dix, City Secretary

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

*The City of Burnet Council Chambers 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).*



**2024**

**Report of the**

**Charter Review Commission**

**January 9, 2024**

**City of Burnet, Texas**

January 9, 2024

City of Burnet City Council  
1001 Buchanan Drive, Suite #4  
Burnet, Texas 78611

Dear Mayor and Council:

On behalf of the City of Burnet Charter Review Commission, I am pleased to submit the 2024 Report of the Commission. The Charter Review Commission recommends the following amendments to the City Charter. The full text of each measure is set out within the body of the report. For your reference, a list of the Propositions proposed to appear on the ballot is set out below:

**Proposition A:** Shall the City Charter of the City of Burnet be amended to clarify the Mayor's authority to delay a vote on a matter?

**Proposition B:** Shall the City Charter of the City of Burnet be amended to require a two-thirds vote of remaining City Council members to declare a vacancy on City Council?

**Proposition C:** Shall the City Charter of the City of Burnet be amended to authorize the adoption and publication of ordinances consistent with state law and City Council policy?

**Proposition D:** Shall the City Charter of the City of Burnet be amended to clarify that the Mayor is a member of City Council?

**Proposition E:** Shall the City Charter of the City of Burnet be amended to provide that the municipal court presiding judge serves at the pleasure of the City Council and may be removed by a majority vote of the City Council?

**Proposition F:** Shall the City Charter of the City of Burnet be amended to provide that elections shall be held consistent with state law?

**Proposition G:** Shall the City Charter of the City of Burnet be amended to delete and amend those sections which are repetitive of or inconsistent with State law?

**Proposition H:** Shall the City Charter of the City of Burnet be amended to require the City Council's goals and objectives be included in the budget?

**Proposition I:** Shall the City Charter of the City of Burnet be amended to delete or revise inconsistent and obsolete provisions?

**Proposition J:** Shall the City Charter of the City of Burnet be amended to provide that the City Secretary and Assistant City Secretaries are hired by the City Manager without the need for consent of the City Council?

In closing, I wish to acknowledge the entire Commission for their commitment to this process, including staff and the City Attorney that have contributed countless hours to ensuring a timely and accurate submittal of the Commission's recommendations.

Respectfully submitted,

Philip Thurman,  
Chairman and Mayor Pro-Tem

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**CITY OF BURNET  
CHARTER REVIEW COMMISSION  
2024 REPORT OF FINDINGS AND RECOMMENDATIONS**

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**TO:** THE MAYOR AND CITY COUNCIL OF THE CITY OF BURNET  
**CC:** KELLY DIX, CITY SECRETARY  
**FROM:** CITY OF BURNET CHARTER REVIEW COMMISSION  
**REFERENCE:** REPORT OF FINDINGS AND RECOMMENDATIONS  
**DATE:** JANUARY 9, 2024

**Introduction:** Texas Constitution Article XI Section 5, empowers residents of Texas municipalities with a population over 5,000 by majority vote to adopt home rule charter establishing local government. City charters are, in effect, constitutions for city governments forming a social contract between municipal government and citizens by establishing the duties and responsibilities for the different branches of government. The voters of the City of Burnet adopted a charter form of government in May of 2000. In subsequent general elections, voters adopted several amendments to the original Charter in 2006, 2013, 2015 and 2018. In August of 2023, the City Council appointed a Charter Review Commission (the “Commission”) to study the Charter and make recommendations on potential Charter amendments.

**The Commission:** The members of the Charter Review Commission are as follows:

**Philip Thurman, Chairman and Mayor Pro-tem  
Gary Wideman, Mayor  
Calib Williams  
Kenneth Graham  
Paul Farmer  
Stan Hemphill**

**Staff:** The support staff to the Commission included:

**David Vaughn, City Manager  
Habib Erkan, Assistant City Manager  
Kelly Dix, City Secretary  
Charles Zech, City Attorney**

**Authority:** The authority for City Council to call an election to amend the City Charter is found in the Texas Constitution and Chapter 9 of the Texas Local Government Code.

**The Commission’s Charge:** At a regularly called meeting, held on August 22, 2023, City Council appointed members to the 2023-24 Charter Review Commission and charged the Commission to

(1) Inquire into the operations of city government and review the city charter to determine whether it requires revision; (2) Propose any charter amendments it deems desirable to improve the effective application of the Charter to current conditions; and (3) Make a written report of its findings and recommendations to the city council.

**Findings and Recommendations:** The Commission hereby finds that the proposed recommended Charter amendments are deemed desirable to improve the effective application of the Charter to current conditions. Specifically, the Commission hereby submits the attached proposed amendments for consideration by the citizens of the City of Burnet which are stated as propositions and measures as follows:

**Proposition A**

Shall the City Charter of the City of Burnet be amended to clarify the Mayor's authority to delay a vote on a matter?

**Measure A**

Section 3.05. 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~~ any item on an agenda until the next Council meeting, such authority to be limited to a single delay for any agenda item being considered. 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.

Mayor Pro-tem shall be elected by the City Council as soon as practicable after each regular City election, or in the event of a vacancy in the Mayor Pro-tem position. The Mayor Pro-tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.



## **Proposition B**

Shall the City Charter of the City of Burnet be amended to require a two-thirds vote of remaining City Council members to declare a vacancy on City Council?

## **Measure B**

### **Section 3.06. Vacancies, Forfeiture, and Filling of Vacancies.**

**B. Forfeiture of Office.** If the Mayor or any City Council Member:

2. has been found by at least ~~five (5) affirmative~~ a two-thirds (2/3) votes of the remaining Members of City Council to have violated any express prohibition of this Charter; or

### **Section 3.16. Council Investigative Body; Hearings; Process.**

**B. Hearing Process for Forfeiture of Office and Prohibitions.**

10. In the case of a violation of Section 3.06 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of the remaining Members of City Council to declare the office of said office holder to be forfeited and vacant.

## Proposition C

Shall the City Charter of the City of Burnet be amended to authorize the adoption and publication of ordinances consistent with state law and City Council policy?

### Measure C

**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. All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect immediately upon the final passage thereof. City Council shall adopt a policy regarding the publication of ordinances consistent with State law.

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) 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.~~

~~No ordinance that is not an emergency ordinance shall be finally passed until it has been read on two (2) separate days not less than twenty four (24) hours apart.~~

~~**Section 3.15. Emergency Ordinances.** In order to meet a public emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. The City Council shall not by Emergency Ordinance authorize the borrowing of money, except as provided in Section 7.07, B titled, “Emergency Appropriations.” An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an “Emergency Ordinance” and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. Such emergency clause shall require the affirmative vote of at least five (5) members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance~~

~~shall be published in two (2) successive issues of a newspaper of general circulation in the City, and as files available for download via the Internet.~~

~~Every emergency ordinance so adopted, except one authorizing the borrowing of money for emergency appropriations, shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.~~

## Proposition D

Shall the City Charter of the City of Burnet be amended to clarify that the Mayor is a member of City Council?

## Measure D

**Section 1.02. Form of Government.** The municipal government provided by this Charter shall be the Council-Manager form of government consisting of a Mayor and Council Members (collectively and individually referred to herein as “Member(s) of City Council”), elected by and responsible to the people, and a City Manager, appointed by and responsible to the City Council for proper administration of the affairs of the City.

### **Section 3.06. Vacancies, Forfeiture, and Filling of Vacancies.**

#### **D. Filling of Vacancies.**

1. When a single or double vacancy occurs in the City Council, the remaining ~~m~~Members of ~~the~~ City Council shall:
  - 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; or
  - b. If the remaining term(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 3.02 of this Charter and shall take office immediately upon appointment.

### **Section 3.09. Prohibitions.**

- A. Holding Other Office.** Except as authorized by law, no Mayor or Council Member shall hold any other City office or City employment during a term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of term as Mayor or Council Member except as provided in Section 3.01 of this Charter.
- B. Appointments and Removals.** Neither the Mayor, nor any ~~member of the~~ City Council ~~Member~~ shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or the Manager’s subordinates are empowered to appoint. However, the City Council may express its views and fully and

freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

- C. Interference with Administration.** Except for the purpose of inquiries or investigations under Section 3.16, ~~neither~~ the Mayor, City Council Members, ~~nor~~ the City Council ~~or its members~~ shall ~~not~~ direct City officers or employees who are subject to the direction and supervision of the City Manager, except through the City Manager. ~~The Mayor, Neither the City Council nor~~ any of the Members of City Council ~~members~~ shall give orders to any officer or employee supervised by the City Manager, either publicly or privately, except as otherwise provided in this Charter.

**Section 3.10. Meetings of the Council.**

- A. Monthly Council Meeting.** The City Council shall hold at least one (1) regular meeting each month at a time and place the City Council shall designate.
- B. Regular Meetings.** Regular meetings are council meetings required to be held at least monthly and designated as regular.
- C. Special Meetings.** Special meetings may be called by the City Secretary at the request of the Mayor, the City Manager or two (2) ~~members of the~~ City Council Members. The City Manager and each ~~member of the~~ City Council Member shall be notified of all special meetings.
- D. Public Meetings.** All meetings shall be open to the public except as authorized by law and shall be held at the City Council Chambers of the City, or other places within or outside of the City that will permit the attendance of the general public.

**Section 3.11. Quorum.** Four (4) ~~Council~~ Members of City Council, ~~whether or not inclusive of the Mayor or Mayor Pro-tem,~~ shall constitute a quorum for the purpose of transacting business. Any action of the City Council, except as provided in this Charter, shall be valid or binding when adopted by majority vote of the ~~Council~~ Members of City Council in attendance. A Member of City Council ~~Member~~ that is present but not voting shall be in attendance for purposes of the quorum.

**Section 3.13. Voting.** The City Council shall provide for the taking and recording of minutes for all open meetings, and such minutes shall be a public record. There shall also be provision for a certified agenda or recording of meetings held in executive or closed session in accordance with applicable law. The “ayes” and “nays” of each ~~Council~~ Member of City Council, on every vote taken by the City Council shall be recorded in the minutes. All ~~m~~Members of ~~the~~ City Council present, ~~including the Mayor,~~ shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the minutes.

**[IF PROPOSITION C PASSES THIS SECTION SHALL NOT GO INTO EFFECT IF IT ALSO PASSES] Section 3.15. Emergency Ordinances.** In order to meet a public emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or

renew or extend a franchise, or regulate the rate charged by any public utility for its services. The City Council shall not by Emergency Ordinance authorize the borrowing of money, except as provided in Section 7.07, B titled, "Emergency Appropriations." An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an "Emergency Ordinance" and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. Such emergency clause shall require the affirmative vote of at least five (5) ~~m~~Members of ~~the~~ City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance shall be published in two (2) successive issues of a newspaper of general circulation in the City, and as files available for download via the Internet.

Every emergency ordinance so adopted, except one authorizing the borrowing of money for emergency appropriations, shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.

#### **Section 4.01. City Manager.**

- A. Appointment and Qualifications.** The City Manager shall be appointed by an affirmative vote of five (5) or more ~~Members of~~ City Council ~~Members~~. The method of selection shall be left to the discretion of the City Council. The City Manager shall reside within the City of Burnet within forty-five (45) days of assuming his/her duties. The City Manager shall be bonded at City expense in an amount consistent with current need as established by the City Council.
- B. Compensation.** The City Manager shall receive compensation as fixed by the City Council. The compensation shall be agreed upon before appointment. The City Council may increase but not reduce the compensation of the City Manager at their discretion.
- C. Term and Removal.** The City Manager shall be appointed for an indefinite term. An affirmative vote of five (5) or more ~~Members of~~ City Council ~~Members~~ may remove the City Manager. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.

#### **Section 4.03. Municipal Court.**

- A. Municipal Court Established.** There shall be established and maintained a court, designated as the Municipal Court for the trial of misdemeanor offenses and other matters as provided by state law or ordinance. The Municipal Court shall perform such other duties and functions appropriate for the Municipal Court as are established by ordinance not inconsistent with state law. The Municipal Court shall have all such other powers and duties as are now, or may in the future be prescribed by laws of the State of Texas, relative to municipal courts.
- B. Presiding Judge.** The Presiding Judge of the Municipal Court shall be appointed by the City Council and shall hold office for two years from the date of appointment unless sooner removed by a majority vote of the ~~members of the~~ City Council as provided for herein.

The Presiding Judge shall have such qualifications as are required by the City Council and state law, shall report to the City Council, shall be required to participate in training programs available for municipal judges, and shall receive such salary as fixed by the City Council.

**Section 6.08. Ballot Form and Results of Elections.** The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: “For the Ordinance” and “Against the Ordinance.” Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Charter. An ordinance submitted and receiving an affirmative majority of the votes cast shall then become effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by an affirmative vote of five (5) or more ~~of the Members of~~ City Council ~~Members~~. A referred ordinance that is not approved by a majority of the voters is repealed.

## Proposition E

Shall the City Charter of the City of Burnet be amended to provide that the municipal court presiding judge serves at the pleasure of the City Council and may be removed by a majority vote of the City Council?

## Measure E

### Section 4.03. Municipal Court.

- F. Removal of Presiding Judge. The Presiding Judge shall serve at the will and pleasure of the City Council and may be relieved from office by a majority vote of the City Council. The Presiding Judge may, subject to the other provisions of this subsection, be removed from office for willful or persistent violations of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section. Any person holding an office specified in this subsection may be suspended from office with or without pay by the City Council immediately on being indicted by a state or federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. Upon the motion of the City Council or on the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice, the City Council, after giving the person notice and an opportunity to appear and be heard before the City Council may, after considering the record of such appearance may, suspend with or without pay, censure, or otherwise discipline the Judge; or remove the Judge from office.



## Proposition F

Shall the City Charter of the City of Burnet be amended to provide that elections shall be held consistent with state law?

## Measure F

### Article V. Elections

#### Section 5.01. Election of Mayor and City Council Members.

The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by state law. All elections shall be held as required by law.

At the regular election held in odd numbered years a Mayor shall be elected, and three (3) City Council Members shall be elected to serve in the City Council positions for which the term of office expires in that year. At the regular election in even numbered years, three (3) City Council Members shall be elected to serve in the three (3) City Council positions for which the term of office expires in that year. The term of each office shall be two (2) years and the office holders shall serve until their successors are elected and take office.

Each qualified voter of the City may vote for one (1) Mayoral candidate and three (3) City Council candidates in odd numbered years, and for three (3) City Council candidates in even numbered years. The candidate for Mayor that receives the highest number of votes cast shall be elected, and in each election the three (3) candidates for City Council Members that individually receive the highest number of votes shall be elected. ~~The election shall be ordered by the City Council. The City Secretary shall give notice of the election in the manner required by the laws of the State of Texas.~~

#### Section 5.02. ~~Notice and Order for Elections.~~

~~**A. Date.** The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by state law, at which time officers will be elected to fill those offices which become vacant that year.~~

~~**B. Place.** The City Council shall fix the place for holding such election.~~

~~**C. Special Elections.** The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election.~~

~~**D. Notice.** Notice of elections shall be published in a newspaper of general circulation of the City of Burnet, such publication to follow the requirements of the Election Code and any applicable law.~~

~~**E. Early Voting.** Early voting shall be governed by the general election laws of the State of Texas.~~

**Section 5.03. Regulation of Elections.**

~~**A. Compliance.** All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.~~

~~**B. Election Judges.** The City Council shall appoint the election judges and other election officials.~~

~~**Section 5.04. Special Elections.** The City Council may call special elections as required or authorized by the laws of the State of Texas or this Charter, fix the time and place of holding these elections, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law or this Charter. Except as required by this Charter or state law, every special election shall be called and held as nearly as practicable according to the provisions governing regular elections.~~

**Section 5.025. Filing for Office.**

**A. Applications.** Any person having the qualifications set forth under Section 3.02 of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter.
2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

**B. Place or Position.** A candidate of City Council shall specify the place number or position the candidate is seeking.

**Section 5.036. Taking of Office.**

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

~~**Section 5.07. Votes Required and Canvassing of Returns.** At the regular City election in odd-numbered years, the candidate for Mayor who receives the highest number of votes shall be declared elected. In each regular City election, the three (3) candidates for Council Member who individually receive the highest number of votes shall be declared elected. At a special election to fill more than one Council Member office, if two Council Member positions are to be filled, the two candidates that receive the highest number of votes cast for individual candidates shall be declared elected. If three such offices are to be filled, the three candidates that receive the highest number of votes cast for individual candidates shall be declared elected, etc. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or for and against each issue submitted. City Council shall canvass the returns of all elections pursuant to state law.~~

**Section 5.08. Run-Off Elections.**

~~Run-off elections shall be conducted pursuant to state law.~~

~~The candidate(s) receiving the highest number of votes cast for the office being filled in the run-off election shall be declared elected, and if the run-off results in a tie vote, the tie shall be broken in a manner authorized by the Texas Election Code, or by lot or chance as agreed by and between the candidates. The following circumstances require a run-off election that shall be conducted as prescribed by state election laws:~~

- ~~A. **Tie Vote for Mayor.** If two (2) or more candidates for Mayor tie with the highest number of votes cast, a run-off election shall be ordered for the office of Mayor. Only the candidates who tied for the highest number of votes shall have their names on the ballot to determine the winner of the Mayoral election.~~
  
- ~~B. **Tie Vote for Council Member.** If in a regular election one (1) or more ties between two (2) or more candidates for Council Member make it impossible to determine the three candidates that received the highest number of votes cast for Council Member, each candidate that received a higher number of votes than the candidates that are tied shall be declared elected, and a run-off election shall be held between the candidates that are tied. If one candidate receives a higher number of votes than all the other candidates, a run-off election shall be held between the candidates tied for the second highest vote. If no candidate receives a higher number of votes than any other candidate, a run-off election shall be held between the candidates tied for the highest number of votes. If a special election is held to fill one Council Member office, and two or more candidates tie for the highest vote, a run-off election shall be held between the tied candidates. If more than one Council Member office is to be filled in the special election and one or more tie votes make it impossible to determine the candidates that received the highest number of votes, then run-off elections shall be held as provided for regular elections to fill the vacant positions.~~

## Proposition G

Shall the City Charter of the City of Burnet be amended to delete and amend those sections which are repetitive of or inconsistent with State law?

### Measure G

~~**Section 6.16. Failure of City Council to Order Election.** When all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive a Recall, Initiative or Referendum petition, or order such Recall, Initiative or Referendum election, or discharge other duties imposed upon the City Council by the provisions of this Charter with reference to such Recall, Initiative or Referendum, then any voter registered to vote in City elections shall be entitled to petition the District Court of Burnet County Texas for a Declaratory Judgment, Mandatory Injunction or other relief to order the City Council to call the election and to enforce the carrying into effect the provisions of this Article.~~

**Section 7.05. City Council Action on Budget.** The City Council shall comply with state law in the adoption of the budget and, unless otherwise in conflict with state law, shall adopt the budget on or before the last day of the last month of the current fiscal year. ~~If the City Council fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.~~

~~**Section 7.08. Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.~~

**Section 10.01. Publicity of Records.**

~~**A. Inspection.** All records and accounts of every office, department or agency of the City shall be open to inspection by any citizen or by any representative of the press pursuant to the Texas Public Information Act.~~

**B. Available Online.** The Burnet web site shall publicize as files available for download via the Internet the budget; existing and proposed ordinances; pending contracts and bids; minutes of the last City Council meeting; proposed agendas for upcoming City Council meetings; times and locations for all public City meetings; audit summaries; monthly balance sheet reports for all public utilities, public services and proprietary enterprises; names, addresses and telephone numbers of all City Council persons and standing committee members, and all City career opportunities and other matters as prescribed by this Charter. Failure to post any such matter shall not invalidate any action taken with respect to such matter, nor give rise to any equitable or legal claim whatsoever. References in this Charter to the World Wide Web shall include means of access to the Internet or its equivalent and/or successor.

~~**C. Newspaper.** The City Council shall not designate an official newspaper, but it shall cause notices of all information as required by this Charter, existing ordinances, or by the~~

~~Constitution and laws of the State of Texas to be published in a local newspaper of general circulation in the City.~~

~~**Section 10.05. Power to Settle Claims.** The City Council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City except suits by the City to recover delinquent taxes.~~

## Proposition H

Shall the City Charter of the City of Burnet be amended to require the City Council's goals and objectives be included in the budget?

## Measure H

**Section 7.04. Budget.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

- A. Goals and Objectives.** The City Council's goals and objectives as provided for in Section 3.08 and any associated~~proposed goals, objectives~~ expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures; and
- B. Capital Budget.** Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- C. Enterprise Funds.** The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, as defined in Section 8.01 of this Charter, operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

## Proposition I

Shall the City Charter of the City of Burnet be amended to delete or revise inconsistent and obsolete provisions?

### Measure I

**Section 7.04. Budget.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

- A. Goals and Objectives.** The proposed goals, objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;
- B. Capital Budget.** Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- C. Enterprise Funds.** The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, ~~as defined in Section 8.01 of this Charter,~~ operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

~~**Section 10.06. Continuance of Contracts and Preservation of Rights.** All laws previously enforced governing suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands of every kind and character which have accrued in favor of the City shall belong to and vest in the City and shall not end by reason of the adoption of this Charter. The laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the City Council. All present commissions, boards and officers of the City shall continue in office subject to the provisions of this Charter including but not limited to the provisions governing election, removal and the City Council's exercise of authority conferred by this Charter.~~

~~**Section 10.11. Effective Date.** This Charter shall take effect immediately following approval by the qualified voters of the City of Burnet. However, in no case shall the Charter be in effect until the City Council records with the City Secretary an order declaring that the Charter is adopted. The order declaring adoption shall be entered into City record as soon as is practicable following the election.~~

## Proposition J

Shall the City Charter of the City of Burnet be amended to provide that the City Secretary and Assistant City Secretaries are hired by the City Manager without the need for consent of the City Council?

## Measure J

**Section 4.05. City Secretary.** The City Manager shall appoint a City Secretary, who shall be subject to the supervision of the City Manager. ~~, with the consent of the City Council, appoint and may remove the City Secretary and any assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary or an assistant City Secretary shall be as follows:~~

~~**Gives Public Notice.** Gives notice of City Council meetings, the meetings of all other City boards and commissions and public hearings.~~

~~**Keeps Minutes and Records.** Keeps the minutes and records of the proceedings of such meetings.~~

~~**Maintains Documents and Records.** Authenticates by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and~~

~~**Performs Additional Duties.** Performs such other duties as the City Manager shall assign and those elsewhere provided for in this Charter or by ordinance.~~