

**MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION (CRC) OF THE CITY OF LAKE WORTH, TEXAS
HELD IN CITY HALL, CITY HALL CONFERENCE ROOM, 3805 ADAM GRUBB
TUESDAY, MAY 8, 2018**

REGULAR MEETING: 5:00 PM

A. CALL TO ORDER.

Vice chair Daggs called the CRC meeting to order at 5:03 p.m.

ROLL CALL

Present:	Sue Wenger	CRC Chair (<i>arrived at 5:05 p.m.</i>)
	Wilson Daggs, Jr.	CRC Vice Chair
	Coy Pennington	CRC member
	Bill Still	CRC member

Staff:	Stacey Almond	City Manager
	Debbie Whitley	Assistant City Manager/Finance Director
	Monica Solko	City Secretary
	Drew Larkin	City Attorney

Absent:	Yvonne Amick	CRC Member
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Guest Present:	Walter Bowen	Mayor
	Geoffrey White	Mayor Pro Tem

A.1 OVERVIEW OF CHARTER REVIEW PROCESS.

Vice-chair Daggs called on City Manager Stacey Almond to present the item. Ms. Almond and City Attorney Drew Larkin explained the purpose and importance of Charter review.

1. To review the Charter for purposes of recommending amendments as necessary to cause the Charter to conform to federal and state law where conflict or inconsistency exist;
2. To review the Charter for purposes of recommending amendments as necessary to clarify and condense existing Charter sections to improve the effective application of the Charter;
3. To review the Charter for any other provisions of the Charter as the Charter Review Commission determines necessary

Ms. Almond explained that due to cost restraints, during the review process the Commission will give a consensus on corrections. These corrections will then be

prioritized into a final report that will be submitted to City Council by December 1, 2018. The Council will then review the report and consider any recommendations to determine if a Charter Amendment Election to be held on May 4, 2019, should be ordered.

A.2 REVIEW LAKE WORTH CITY CHARTER, ARTICLE 1, BOUNDARIES AND ANNEXATION AND CONSIDER ANY RECOMMENDATIONS FOR AMENDMENT THERETO.

Chair Wenger called on Ms. Almond to present the item. City Manager Stacey Almond recommended the following changes to Article I, Boundaries and Annexation:

The Preamble has no recommended changes. The consensus of the Commission was to leave Preamble as is.

Delete all sections of **Article I Boundaries and Annexation:**

Section 1.01 Boundaries

Section 1.02 Annexation by City Council

Section 1.03 Annexation Requirements

Section 1.04 Disannexation, and

Section 1.05 Platting

Replace with the following: **Article I Boundaries and Form of Government:**

Section 1.01 Boundaries

The boundaries of the City of Lake Worth shall be those as established and described in judgements, agreements and ordinances duly passed by the city council of the City of Lake Worth in accordance with state law. The City Secretary shall maintain an official map of the city's boundaries as required by state law.

After a brief discussion, the Commission requested to add "judgement and agreements" to the paragraph.

Section 1.02 Extension of Boundaries

- (a) The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, except as restricted by state and federal law.
- (b) The City Council may by ordinance fix the boundary limits of the City and provide for the alteration and extension of said boundary limits, including the annexation of additional territory lying adjacent to the City, in a manner provided by law.
- (c) The City Council may exchange area with other governmental entities.
- (d) When an area is annexed, it is part of the City and the area will bear taxes levied by the City. The citizens of the area are entitled to the rights and privileges of the other citizens to the extent required by state and federal law, and are bound by the acts, ordinances, resolutions, and regulations of the City.

After a brief discussion, the consensus of the Commission to move forward with recommended changes.

Section 1.03 Disannexation

City Attorney Drew Larkin requested that the Disannexation section be left in the Charter and he would present new wording for this section at the next meeting.

Section 1.04 Form of Government

The municipal government provided by this Charter, shall be known as the “Council-Manager form of Government.” Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by the Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the “City Council”, which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

The Commission requested to add “form of” to “Council-Manager form of Government” and to remove a comma after vested. The Commission consensus was move forward with recommended changes with the requested additions.

A.3 REVIEW LAKE WORTH CITY CHARTER, ARTICLE II POWERS AND CONSIDER ANY RECOMMENDATIONS FOR AMENDMENT THERETO.

Chair Wenger called on Ms. Almond to present the item. City Manager Stacey Almond recommended the following changes to Article II Powers:

Section 2.01 General – no changes.

Section 2.02 General Powers Adopted

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof the city shall have, and may exercise all powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Lake Worth shall have and exercise all powers conferred upon cities by what is known as the Home Rule Amendments to the Constitution of the State of Texas and the enabling Act relative thereto, and all other laws passed by the Legislature of the State of Texas relating thereto or which may hereafter be passed by said Legislature in relation to such matters.

City Attorney Drew Larkin stated that Section 2.01 and Section 2.02 should be combined. He requested to reword the section and he would present the combined section at the next meeting.

Section 2.03 Eminent Domain

The City shall have the full power, authority and right to exercise the power of eminent domain in any manner authorized or permitted by the Constitution and the laws of the State of Texas when necessary or desirable to carry out any of the powers conferred upon by this charter or by the Constitution and laws of the State. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of eminent domain for any municipal or public purpose even though not specifically enumerated in this chapter.

During discussion, several of the Commission members expressed concerns that citizens would not pass an eminent domain section. The consensus of the Commission was to delete the recommended section.

Section 2.04 Public Improvements

The City shall have the power to, among other things, construct and maintain, within the corporate limits or the extraterritorial jurisdiction of the City, public improvements as authorized by State statutes and such other public improvements as the City Council shall determine to serve the public purpose of the City, including but not limited to, constructing and maintaining streets, flood control, and sanitary facilities, water and storm drainage facilities in, over, under or upon all public property or easement granted for the purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of paving assessments in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

City Attorney Drew Larkin commented that the recommended Public Improvements section was not needed. The Commission consensus was to delete the recommended section.

Section 2.05 Miscellaneous Powers

The city shall have the power to, among other things, establish and maintain ordinances and regulations governing the use of lands within the city and to enforce by all lawful means these ordinances and regulations, within the corporate limits or the extraterritorial jurisdiction of the city. The city shall have the power to authorize, regulate and inspect all construction and existing structures within the corporate limits or the extraterritorial jurisdiction of the city, consistent with state statutes, and to establish and enforce ordinances and regulation concerning their use, construction, and lease-purchase, mortgage and/or manage property, to acquire property by donation or condemnation, and to control such property, as its interests require. The city shall have the power to license and regulate persons, corporations and association engaged in any business, occupation, profession or trade when authorized by state law. The city shall have all powers granted by any section of the Charter.

City Attorney Larkin commented that the recommended section was not needed. The Commission consensus was to delete the recommended section.

A.4 DISCUSS PLANNED REVIEW OF LAKE WORTH CHARTER AND SET NEXT SCHEDULED MEETING.

Chair Wenger called on Ms. Almond to present. City Manager Stacey Almond discussed meeting times and location. The Commission determined that meetings will take place every second Tuesday of each the month, at 5:00 p.m., in the City Hall conference room. Ms. Almond requested that the June meeting be rescheduled to Tuesday, June 19, 2018 due to a conflict on Tuesday, June 12, 2018. The Commission agreed with the change.

B. EXECUTIVE SESSION

There was no Executive Session.

C. EXECUTIVE SESSION ITEMS – CITY COUNCIL MAY TAKE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION LISTED ON THE AGENDA.

There was no Executive Session.

D. ADJOURNMENT

Chair Wenger adjourned the meeting at 5:48 p.m.

APPROVED

By: _____
Sue Wenger, Chair

ATTEST:

Monica Solko, City Secretary