

**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, JUNE 19, 2018**

**REGULAR MEETING: 5:00 PM**

**A. CALL TO ORDER.**

Chair Wenger called the CRC meeting to order at 5:02 p.m.

**ROLL CALL**

Present:	Sue Wenger	CRC Board Chair
	Wilson Daggs, Jr.	CRC Board Vice Chair
	Coy Pennington	CRC Board member
	Bill Still	CRC Board member
	Yvonne Amick	CRC Board member
Staff:	Stacey Almond	City Manager
	Debbie Whitley	Assistant City Manager/Finance Director
	Monica Solko	City Secretary
	Drew Larkin	City Attorney
Guest Present:	Walter Bowen	Mayor

**A.1 CONSIDER APPROVAL OF THE MAY 8, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.**

**APPROVED**

Chair Wenger called for a motion regarding the May 8, 2018 Charter Review Commission meeting minutes.

**A MOTION WAS MADE BY BOARD MEMBER AMICK, SECONDED BY BOARD MEMBER STILL TO APPROVE THE MAY 8, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.**

**MOTION TO APPROVE CARRIED 5-0.**

**A.2 OVERVIEW OF PREVIOUS TOPICS: ARTICLE I BOUNDARIES AND ANNEXATION AND ARTICLE II POWERS.**

Chair Wenger called on Ms. Almond to present the item. City Manager Stacey Almond discussed Article I and II revisions from the City Attorney.

### **Article I, Section 1.03 Dissannexation**

The Council may, by ordinance, disannex any territory within the corporate boundaries of the City, if the Council determines that the territory is not necessary or suitable for City purposes. When the disannexation ordinance is passed, the disannexed territory shall cease to be part of the City; but the disannexed territory shall remain liable for its pro-rata share of any indebtedness incurred while the area was part of the City and the City shall continue to levy, assess, and collect taxes on the property in the disannexed territory until such indebtedness has been paid. The Council shall further have the power to exchange territory within the corporate boundaries or extraterritorial jurisdiction of the City with other municipalities.

### **Article II, Section 2.01 General**

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925, and any amendments thereof, or any other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies and with the State Government and its agencies, and with any political subdivision, or agency thereof.

The consensus of the Commission was to move forward with the recommended changes.

### **A.3 REVIEW LAKE WORTH CITY CHARTER, ARTICLE III CITY COUNCIL AND CONSIDER ANY RECOMMENDATIONS FOR AMENDMENT THERETO.**

Chair Wenger called on Ms. Almond to present the item. It was explained that in order to move along the process any grammar or punctuation found in error would be changed after all the sections in the charter were discussed. Staff would then view all the sections, make corrections and bring a clean copy to the Commission for final approval and prioritizing for the final report to Council.

City Manager Stacey Almond recommended the following changes to Article III City Council:

### **Section 3.01 Number, Election and Terms:**

The title and first sentence of this section was updated to the following: Except as otherwise provided by this section all powers conferred on the city hall by exercised by the City Council consisting of a Mayor and seven (7) Council members and shall be known

as the “Council of the City of Lake Worth”. All subsections a-d remain the same as the previous version.

**Section 3.02 Qualification:**

This section was condensed, and the remaining items were added to another.

In addition to any other qualifications prescribed by law, the Mayor and each Council Member shall meet the qualifications set forth in Section 5 of this Charter while in office.

**Section 3.03 Compensation:**

Previous Section 3.03 Eligibility moved to Section 3.08. Section 3.05 has moved up to 3.03 and has no recommended changes.

**Section 3.04 Mayor:**

Removal of previous Section 3.04 Council Judge of Election of Member. Section 3.06 now renumber to 3.04 and additional language was added to clarify and provide the powers of the Mayor.

The Mayor shall attend and preside at meetings of the City Council. The Mayor shall participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member thereof, on Legislative or other matters, except in case of a tie, when the Mayor shall have the right to cast the deciding vote. The Mayor shall also represent the City in intergovernmental relationships and perform other duties specified by the City Council and/or imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. The Mayor shall be recognized as the head of the city government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties.

**Section 3.05 Mayor Pro-Tem:**

Previously Section 3.07 now Section 3.05. Minor changes for clarity purposes. Consider the addition of a yearly rotation.

The Commission agreed with the changes but also requested that a training for Mayor be added to the section.

**Section 3.06 Vacancies, Forfeiture and Filling of Vacancies:**

Previously Section 3.08 Quorum moved to Section 3.10. New Section 3.06 states the following.

1. The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, forfeiture of, or removal from office by any manner authorized by law.
2. A Council member shall forfeit office if (1) the member fails to attend three (3) consecutive regular meeting unless the absence is caused by illness or by the illness of a family member; or (2) fails to maintain a seventy-five percent (75%)

attendance record, unless an absence is caused by illness or by the illness of a family member, for each elected year, including all scheduled budget and special meetings. Upon a forfeiture of office as provided herein, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

3. Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers shall forfeit his or her office. Every forfeiture shall be declared and enforced by the City Council.
- 4). In the event there is one vacancy on the City Council or in the office of the Mayor, the City Council may call a special election to be held in accordance with state law or by the vote of three fourths of all remaining members, appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the council shall call a special election to be held in accordance with state law, unless appointment is required to achieve a quorum.
- 5). Vacancies filled by special election shall be for the remainder of the term that was vacated.

After discussion and questions for clarification, City Attorney Drew Larkin and City Manager Stacey Almond will work on the section and bring back to the next meeting.

### **Section 3.07 Powers of the City Council:**

Previously Section 3.09 Mayor Pro Tem (moved above to Section 3.05) now new Section 3.07.

First paragraph is the same, moved to new Section (previously Section 2.03 Powers of the City Council).

Some additional powers were added:

4. Establish administrative departments
6. Collectively inquire in to the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
8. Provide for Planning and Zoning Commission and a Board of Adjustment and other boards as deemed necessary, and appoint members of all such boards and commissions. Such boards and commissions retain all powers possessed before the adoption of this Charter and those conferred and created by the Charter, by City ordinance or by other law.
9. Fix and regulate rates and charges for all utilities and public services; and

### **Section 3.08 Prohibitions:**

New Section 3.08 Prohibitions. This has been expanded upon to add additional wording to define "prohibitions" in modern charters.

- a). Except where authorized by law or by this Charter, no Mayor or Council Member may hold any other City office or City employment during his or her term as Mayor

or Council Member. No former Mayor or Council Member may hold any compensated appointive office or City employment until one year after the expiration of the term for which they ~~he or she~~ were elected or appointed to the City Council.

- b.) Members of the City Council may not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Managers subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views ~~and~~ fully and freely

The Commission requested the following changes.

**Section 3.09 Meeting of the City Council:**

New section.

- a.) The City Council must schedule at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council may fix by ordinance the date and time of the regular meetings.
- b.) Special meetings of the City Council must be held at the call of the Mayor or a majority of the Council Members upon provision of public notice in accordance with state law.
- c.) Except as otherwise permitted by state law, all City Council meetings must be open to the public and must be held and notice given in accordance with the Texas Open Meetings Act

**Section 3.10 Quorum:**

Minor changes to section.

- a.) There must be a quorum present for the City Council to take action or transact business. Four (4) Council Members constitute a quorum for the purpose of transaction of business. The Mayor shall not be counted towards the quorum.
- b.) No action of the City Council is valid or binding unless adopted by the affirmative vote of a majority of the City Council present at a meeting.

**Section 3.11 Conflict of Interest:**

New section was added to the charter.

- a.) Should any person on the City Council have a conflict of interest – under any state laws or City ordinances regulating conflicts of interest of municipal officers – regarding an agenda item then before the City Council, he or she lacks authority to vote, and must:
  - 1. Openly declare the conflict before discussion proceeds;
  - 2. Not participate in the discussion of that item; and,
  - 3. Not vote on that item

**Section 3.12 Abstention:**

New section was added to the charter with rules on abstaining provided.

Should any person on the City Council chose to abstain from voting on any question before the City Council, where no conflict of interest exists, the person’s vote shall be recorded as a negative vote in the official minutes of the meeting.

After discussion, the addition of an affidavit to be filled out and filed with the City Secretary before the meeting will be added.

**Section 3.13 Rules of Procedure:**

New section was added to the charter.

The City Council shall determine, which may be done by ordinance, resolution or otherwise, its own rules of order and business. The City Council shall provide that the citizens of the City shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be public record and shall be kept and maintained by the person performing the duties of City Secretary.

**Section 3.14 Passage of Ordinances:**

New section was added to the charter

- 1.) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be “Be it ordained by the City Council of the City of Lake Worth, Texas...”. Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title **other than** general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by another ordinance amending or repealing the original ordinance.
- ~~2.) A proposed ordinance which has been amended in substance after its placement on the agenda for a City Council meeting may not be voted on at such meeting. Such amended ordinance shall be placed upon the agenda of a subsequent meeting of the City Council in accordance with the provisions of the Section. All persons interested in such ordinance shall have a reasonable opportunity to be heard.~~
- 3.) Unless otherwise required by law, every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in accordance with state law.
- 4.) If a majority of the City Council present request that the ordinance title and caption or its entirety be read, it must be read.

After a brief discussion and questions, Commission recommended adding the words “other than” to section 1 and removing section 2.

**Section 3.15 Authentication, Recording, Codification, etc:**

New section was added to the charter.

- 1.) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.
- 2.) The City Council may codify the ordinances of the city. If adopted, the codification shall be known and cited as “The Lake Worth City Code” and shall be in full force and effect without the necessity of such code or any part thereof being published in accordance with State law. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Copies of the city code shall be furnished to City Officers, places in City offices and made available for purchase by the public as a reasonable price to be fixed by the City Council.
- 3.) The City Council shall cause all ordinances and amendments to this Charter to be oriented promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

After discussion and questions, City Manager Stacey Almond will work on this section and bring back.

**Section 3.16 Investigations by the City Council:**

New section was added to the charter.

The City Council shall have the power, by majority vote, to inquire in to the conduct of any department, agency, office, officer, or employee of the City. For that purpose, the City Council shall have the power to authorize the Mayor to subpoena witnesses, administer oaths, and compel the production of books, documents, or other evidence material to the inquiry. Failure to obey such subpoena or produce books, documents, or other tangible evidence as ordered under the provisions of the Section shall constitute cause for removal

**Section 3.17 Bonds:**

New section was added to the charter.

The City Council may require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds may be determined by the City Council and the cost must be borne by the City.

During discussions the consensus of the Commission was to move forward with changes and bring back those need require clarification.

**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 stated that due to previous scheduled meetings, the next CRC meeting would need to be moved from 5:00 p.m. to 4:00 p.m. The next meeting date will be on Tuesday, July 10, 2018 at 4:00 p.m. in the City Hall Conference. 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 5:59 p.m.

**APPROVED**

By: \_\_\_\_\_  
Sue Wenger, Chair

**ATTEST:**

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Monica Solko, City Secretary