

**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, JULY 10, 2018**

REGULAR MEETING: 4:00 PM

A. CALL TO ORDER.

Chair Wenger called the CRC meeting to order at 4:00 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 JUNE 19, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.

APPROVED

Chair Wenger called for a motion regarding the June 19, 2018 Charter Review Commission meeting minutes.

A MOTION WAS MADE BY BOARD MEMBER PENNINGTON, SECONDED BY BOARD MEMBER AMICK TO APPROVE THE JUNE 19, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.

MOTION TO APPROVE CARRIED 5-0.

A.2 OVERVIEW OF PREVIOUS TOPICS: ARTICLE III CITY COUNCIL.

Chair Wenger called on Ms. Almond to present the item.

City Manager Stacey Almond stated that after discussion at the last meeting the Commission requested clarification on Sections 3.05, 3.13, 3.14 and 3.15. Ms. Almond and the City Attorney Drew Larkin made the following changes to those sections.

Section 3.05 Mayor Pro-Tem:

The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after every General election date regardless of whether or not the city holds an election on that particular year or at the first regular meeting after any applicable run-off election, whichever is later. **The Council Member selected to serve as Mayor Pro-Tem shall be chosen on a rotational basis based on Place number, beginning with Place 1 and continuing through Place 7. If any Council Member declines his or her term as it arises in rotation, that member shall remain in the same place in the rotation cycle as if he or she had served.** 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. ~~The City Council shall hold one (1) regular meeting per month and so many special meetings as the Council may deem necessary.~~

Section 3.13 Rules of Procedure:

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:

- 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.~~
- 2.) 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 **this Charter and** state law.
- 3.) If a majority of the City Council present request that the ordinance title and caption or its entirety be read, it must be read.

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

A.3 REVIEW LAKE WORTH CITY CHARTER, ARTICLE IV NOMINATIONS AND ELECTIONS, ARTICLE V FINANCE AND ARTICLE VI RECALL OF OFFICERS AND CONSIDER ANY RECOMMENDATIONS FOR AMENDMENT THERETO.

City Manager Stacey Almond recommended the following changes:

Article IV Nominations and Elections moved to Article VIII and Article IV is now City Administration.

**ARTICLE IV
CITY ADMINISTRATION**

Section 4.01 City Manager

Updates were made to a, b and c and 1-12 remained the same.

- a.) The City Council shall appoint a City Manager, who shall be the Chief Administrative Officer of the City. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City and shall perform such other duties as the City Council shall assign to the City Manager, and those elsewhere provided for in this Charter.
- b.) Only the City Council may fix the compensation of the City Manager, and the City Manager's compensation may be amended, from time to time, in accordance with the City Manager's experience, qualifications, and performance.
- c.) The City Manager shall be appointed for an indefinite term, and may be removed at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon decision to remove the City Manager, notice, in writing, of such decision shall be furnished to him or her.

Section 4.02 City Secretary

Updates were made to the position and duties of the City Secretary.

1. The City Manager shall be responsible for hiring and terminating the City Secretary.
2. The City Secretary shall:
 - a. Give notice of all official public meetings of the City Council in a manner consistent with this Charter and state laws;
 - b. Attend all public meetings and hearing of the City Council;
 - c. Keep the minutes of the proceedings of all public meetings and hearing of the City Council;
 - d. Act as the custodian of all official records of the City Council;
 - e. Hold and maintain the seal of the city and affix this seal to all appropriate documents;
 - f. Serve as the election official for all city elections;

- g. Authenticate by signature and seal and record all ordinances, resolutions, and proclamations of the city; and
- h. Perform such other duties as may be required by the City Manager consistent with the Charter and the laws of the State of Texas.

Section 4.03 City Attorney

City Attorney added appointing, removing and provision for special council to add to City Attorney duties. Compensation added as No. 4 and removal by majority vote to terminate.

1. The City Council shall appoint by the affirmative vote of a majority of the full membership of the City Council a competent, duly qualified license and practicing attorney in the State of Texas who shall serve as the City Attorney.
2. The City Attorney shall:
 - a. Serve as the legal advisor to the City Council and City Manager;
 - b. Represent the City in litigation and legal proceedings as directed by the City Council and the City Manager; and
 - c. Review and provide opinions as requested by the City Council or City Manager.
3. The City Council shall have the right to retain special counsel at any time that it may deem necessary.
4. The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
5. The City Attorney may be removed by the affirmative vote of a majority of the full membership of the City Council.

Section 4.04 Municipal Court

Previously consisted of three sections that were combined into one section.

1. The City Council must establish and cause to be maintained a Municipal Court. The Court has all the power and duties as are now, or as may be, prescribed by state law.
2. The judge of the municipal court shall be appointed by the City Council for a term of two years. The judge shall be a resident of this state, a citizen of the United States, and an attorney in good standing licensed to practice in the State of Texas, with two or more years' experience in the practice of law in this State. The Council shall fix the compensation for the judge in accordance with State law and such compensation shall never be based on the fines assessed or collected. Removal of the judge shall be at the discretion of the Council by a majority vote of the City Council. ~~taken after an opportunity for a public hearing.~~
3. The Clerk and all deputy clerks of the Municipal Court have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court including but not limited to, the keeping of records and accounts of the Municipal Court.

City Attorney Larkin stated that he would look into the elimination of No. 2 "opportunity for a public hearing" during removal of municipal judge and will clarify at the next meeting. The consensus of the Commission was to move forward with the changes.

ARTICLE V FINANCIAL PROCEDURES:

A name change from Finance to Financial Procedure was recommended. There were no other recommended changes to the sections. Assistant City Manager/Finance Director Debbie Whitley requested that the dates in Section 5.05 Municipal Taxes and Section 5.10 Tax Payments be reviewed by the attorney regarding Municipal Tax Code dates (January 31 and end of July) and split payments. Chair Wenger recommended rewording of Section 5.01 (c)(1) to make the sentences flow better.

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

ARTICLE VI RECALL OF OFFICERS

Section 6.01 Scope of Recall – no changes.

Section 6.02 Petition For Recall

After a brief discussion by the Commission, regarding the percentage of the number of qualified voters needed for a petition, consensus was to leave as is.

Section 6.03 Form of Recall Petition

Changed one word in the first sentence, from above to Section 6.02.

“The recall petition mentioned ~~above~~ Section 6.02 must be addressed to the City Council of the City of Lake Worth, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated and whether such ground or grounds are deemed to constitute incompetence, misconduct, or malfeasance in office, and shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged.

Section 6.04 Various Papers Constituting Petition

Added the specific section in the second sentence:

Verifications provided for in the next **Section 6.03** of this article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signature to such petition shall remain effective or be counted which was placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary.

Section 6.05 Procedure After Filing Petition For Recall – no changes.

Section 6.06 Presentation Of Petition To City Council

The recommended change was to increase the number of business days for the City Secretary to verify the petition.

Within ~~five (5)~~ **twenty-one (21)** business days after the date of certifying the petition as sufficient, the person performing the duties of the City Secretary shall present such petition to the City Council of the City of Lake Worth at a regular meeting or special meeting called for that purpose.

Section 6.07 Open Meeting To Be Held – no changes.

Section 6.08 Election To Be Called – no changes.

Section 6.09 Ballots In Recall Election – no changes.

Section 6.10 Result of Recall Election – no changes.

Section 6.11 Recall, Restriction Thereon – no changes.

Section 6.12 Failure of City Council to Act

After brief discussion and questions by the Commission, the City Attorney Drew Larkin stated he would clarify at the next meeting which judge should be notified of the failure to act the County or District.

The consensus of the Commission was to move forward with all recommended changes except for those waiting for 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 the next review will be on Articles VII, VIII, and IX and the next CRC meeting will be on Tuesday, August 14, 2018 at 5:00 p.m. in the City Hall Conference.

The Commission agreed with the date and time.

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 4:28 p.m.

APPROVED

By: _____
Wilson Daggs, Jr., Vice Chair

ATTEST:

Monica Solko, City Secretary