

**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, AUGUST 14, 2018**

REGULAR MEETING: 5:00 PM

A. CALL TO ORDER.

Vice Chair Daggs called the CRC meeting to order at 5:00 p.m.

ROLL CALL

Present:	Wilson Daggs, Jr. Coy Pennington Yvonne Amick	CRC Board Vice Chair CRC Board member CRC Board member
Staff:	Stacey Almond Debbie Whitley Monica Solko	City Manager Assistant City Manager/Finance Director City Secretary
Guest Present:	Walter Bowen Geoffrey White	Mayor Council member, Place 2
Absent:	Drew Larkin Bill Still	City Attorney CRC Board member

A.1 CONSIDER APPROVAL OF THE JULY 10, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.

APPROVED

Vice Chair Daggs called for a motion regarding the July 10, 2018 Charter Review Commission meeting minutes.

A MOTION WAS MADE BY BOARD MEMBER AMICK, SECONDED BY BOARD MEMBER PENNINGTON TO APPROVE THE JULY 10, 2018 CHARTER REVIEW COMMISSION MEETING MINUTES.

MOTION TO APPROVE CARRIED 3-0.

**A.2 OVERVIEW OF PREVIOUS TOPICS: ARTICLE IV CITY ADMINISTRATION
ARTICLE V FINANCE AND ARTICLE VI RECALL OF OFFICERS.**

Vice Chair Daggs called on Ms. Almond to present the item. City Manager Stacey Almond announced that Sue Wenger has been appointed to the City Council and has resigned her position as chair to the Charter Review Commission. With only a few meetings left, staff recommends that Vice Chair Daggs continue to run the meetings.

Ms. Almond stated that after discussion with the City Attorney on clarification under Article VI, Recall of Officers, Section 6.12 Failure of City Council to Act regarding which judge should be notified of the failure to act, the County or District. The current charter stated the County Judge, after discussion with the City Attorney, he stated the language could stay as is or could be changed to writ of mandamus.

A.3 REVIEW LAKE WORTH CITY CHARTER, ARTICLE VII, VIII, IX AND CONSIDER ANY RECOMMENDATIONS FOR AMENDMENT THERETO.

City Manager Stacey Almond recommended the following changes:

**ARTICLE VII
FRANCHISE AND PUBLIC UTILITIES**

Section 7.02 Inalienability Of Control F Public Property:

Staff is recommending we omit Section 7.02. The section creates confusion.

Section 7.03 Franchise: Power Of City Council:

To clarify publication requirements, we request to add “of the caption” for the publication to prevent the expense of publication of the entire ordinance.

Section 7.05 Right Of Regualtion:

In Section 7.05 (1) staff is requesting to omit “such power to be exercised only after due notice and hearing.” A hearing isn’t required to renew, extend, or amend the franchise.

**ARTICLE VIII
NOMINATIONS AND ELECTIONS**

Section 8.01 City Elections:

The formatting of this section has changed, and staff added numbers for clarification of points. Item 4 is requested to provide for publication which was not previously mentioned.

1. All City elections shall be conducted in accordance with the Texas Election Code.
2. The regular City election shall be held in accordance with the Texas Election Code and City Charter, the City Council shall be responsible for specification of place for holding such election.

3. The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and place for holding such special elections and provide a means for holding same.
4. All municipal elections shall be publicized in accordance with the Texas Election Code.

Section 8.02 Filing for Office:

The formatting of this section has changed, and staff added numbers for clarification of points. All information was transferred from previous Charter Section 4 with the addition of (i) which prevents someone from filing for more than one office or position of election.

1. Candidates for elective City offices shall file an application with the City Secretary, in accordance with the Texas Election Code.
2. Candidates for elective City offices shall meet the following qualifications
 - a. Be a registered voter of the City;
 - b. Have resided in the City for at least twelve (12) months preceding the election at which they are a candidate for;
 - c. Continue residency in the City during the term of office;
 - d. Not hold more than one public elective office;
 - e. Not hold an appointed office of the City, excluding boards, committees, and commissions;
 - f. Be at least 21 years of age;
 - g. Not have been determined mentally incompetent by a final judgement of the court;
 - h. Not have been convicted; whether final for appeal purposes or not, of a felony from which the person has not been [pardoned or otherwise released from the resulting disabilities; and
 - i. Not file in a single election for more than one office or position as provided by this Charter.

Section 8.03 Official Ballot:

The formatting of this section has changed, and staff added numbers for clarification of points. Staff added item 2 which provides clarification is someone has the same surname on the ballot. This has become more common.

1. The names of all candidates for office, except those that may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Secretary in accordance with State Law. Each candidate shall be given notice of the time and place of the drawing.
2. If two or more candidates have the same surname, their residence addresses must be printed with their names on the ballot.

Section 8.04 Official Results:

The original portion of Section 4.05 was omitted. In this original section it references the Council appoints the election judge and other necessary election officials. This provision was likely from when cities conducted their own elections. Now elections are held through the County and this is no longer necessary.

1. The returns of every municipal election must be handled in accordance with the Texas Election Code.
2. The City Council shall meet in an open meeting to canvass and officially declare the results of the election as to candidates, and issues certificates of election to candidates elected as provided by State Law.

All canvassing information was left the same.

Section 8.05 Oath of Office:

No changes.

**ARTICLE IX
MISCELLANEOUS PROVISIONS**

Section 9.06 Construction:

Added the following sentence for clarification at the end of the paragraph. "The use of the word "City" in this Charter shall mean the City of Lake Worth, Texas, and the use of the word "Charter" shall mean this Home Rule Charter."

Section 9.10 Official Newspaper/Official Designation:

Added new Section to provide for official newspaper and posting requirements.

"Unless otherwise required by State Law, the City Council shall declare an official newspaper of general circulation in the City. All ordinances, notice and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas shall be published in accordance with State Law."

Section 9.11 Public Records:

Added new section to provide for inspection of records in accordance with state law.

"All records of the City shall be open to inspection in accordance with state law."

**ARTICLE VI
RECALL OF OFFICERS**

Section 6.03 Form of Recall Petition:

Added the Section number (Section 6.02) instead of just referencing "above".

Section 6.04 Various Papers Constituting Petition:

Added Section number (Section 6.03) to clarify.

Section 6.06 Presentation of Petition to City Council:

Increased the number of days to present to Council. The Charter currently reflects 5 business days which is difficult to accomplish. Staff is recommended 21 days.

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

Vice Chair Daggs called on Ms. Almond to present. City Manager Stacey Almond stated the next step would be to meet with the City Attorney on all recommended changes. The next meeting will be to discuss and consider the recommended amendments to take to City Council for consideration of a Charter Election. The next meeting will be on Tuesday, September 11, 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

Vice Chair Daggs adjourned the meeting at 5:37 p.m.

APPROVED

By: _____
Wilson Daggs, Jr., Vice Chair

ATTEST:

Monica Solko, City Secretary