



**FARMERSVILLE CITY COUNCIL
CHARTER COMMISSION MINUTES
For
October 5, 2017, 6:30 P.M.**

I. PRELIMINARY MATTERS

- Chairman Mike Hurst called the meeting to order at 6:30 p.m. Commissioners Richard Holbrook, George Crump, Robbie Tedford, John Garcia, Paul Kelly, Craig Overstreet, Chris Nickell, and Kevin Adamson were present. City staff present were Sandra Green, Ben White, and City Attorney Alan Lathrom. Mayor Piwko was also in attendance.
- Commissioner Paul Kelly led the prayer followed by the pledges to the United States and Texas flags.

II. CONSENT AGENDA

- A. Consider, discuss, and act upon the Charter Commission Minutes from September 7, 2017
- Motion to approve minutes made by Paul Kelly
 - 2nd made by Kevin Adamson
 - All members voted in favor

III. REGULAR AGENDA

- A. Discuss marketing strategies that will be used to deliver information regarding the charter to citizens
- Mike Hurst gave an overview of the information regarding Home Rule vs. General Law cities.
 - Craig Overstreet wanted to discuss the public information side of the charter. He suggested newspaper articles and letters sent out to the citizens from the members of the Commission might help people understand why a charter would be good for the City. He explained the public having access to all the necessary information should be key to help people understand the difference in Home Rule and General Law.
 - Paul Kelly had one correction on the paper he passed out at the last meeting. He stated it should read "over" 5,000 inhabitants instead of "at least".

- Craig Overstreet stated the Commission needed to address how the City calculated the 5,000 inhabitants. He explained the City was using the utility meters times a multiplier to calculate the number of inhabitants. He stated people are most afraid of annexation and how the inhabitants were calculated.
- Alan Lathrom explained the annexation laws have changed dramatically. There could be a petition for annexation by the majority of the property owners who live outside the city limits in the particular area. Then, it would go up for a vote. It can be challenged with a citizen inside the city limits or in the ETJ. If challenged it would require an election. The process of cities annexing property involuntary has been taken away by the State Legislators.
- Commissioner Jason Lane arrived at the meeting.
- Craig Overstreet stated the citizens have more options with a Home Rule Charter. He has passed out the first eight articles from the Prosper Charter to help in writing Farmersville's Charter.
- Alan Lathrom discussed what information he had passed out for the meeting.
- Craig Overstreet stated Prosper has six council members and one Mayor. The City of Farmersville has five members and the Mayor. We have discussed term limits and a term limit should be set. For example, Mayor could possibly run for three years and then set out a year and then could run again.
- Mike Hurst stated a charter would place the decision in the hands of the citizens.
- Paul Kelly stated the charter needed to specify term limits because the City would want different people with fresh ideas on the Council from time to time.
- Kevin Adamson asked if the City was going to stay with five members and a Mayor at this time.
- Mike Hurst and Craig Overstreet both agreed that it should stay the same, with staggered terms.
- Alan Lathrom explained the Texas Constitution stated that if terms go over two terms then they would have to be elected by a majority vote instead of plurality. He also explained if someone on the Council moves away, resigns, or passes away the City would have to hold a special election to fill the vacancy. The Council could not appoint someone to fill that position. A two year term is a short period of time to really get the feel of the job.
- Richard Holbrook asked about term limits.

- Alan Lathrom stated neither the Texas Constitution nor the Local Government Code addressed term limits.
- Sandra Green asked Alan Lathrom to explain run-off elections and how that would work.
- Alan Lathrom indicated if the City had three people running for the same seat and none of them received the majority vote there could possibly be a run-off election. It would possibly be an added cost to the City.
- Paul Kelly inquired as to how much it costs to hold an election.
- Sandra Green stated the City has an interlocal agreement with the County and it costs approximately \$3,500.00 to \$3,800.00 for the May elections.
- Mayor Piwko also added that amount was with the school district holding their own election. It could be double that amount.
- Sandra Green included that it could cost more if the City started getting into run-off elections.
- Alan Lathrom agreed and stated that in run-off elections the local election may be the only item on the ballot so then it would cost the City more.
- Mike Hurst stated the City is not planning this for the immediate future. We are trying to get a head start for when the City grows. The intention is to be prepared and have the type of government we want set up. As the City grows, the new growth would help offset the costs of the elections.
- Craig Overstreet indicated he did not feel like two year terms would be long enough for Councilmembers.
- George Crump explained adding a third year would allow members to have more experience and give them time to understand the process before having to turn over the seat.
- The Commission agreed to allow three year terms.
- Alan Lathrom asked about the sitting out time frame of Councilmembers was their three year term was over. He inquired if they wanted people to sit out 10 months, which would allow them to run again after being out of office for a year. It would be 10 months because you have to file as a candidate 2 months before the election.
- The Commission agreed that after 3 consecutive years, a citizen would be eligible to file after 10 months. They would sit out a total of a year.
- Craig Overstreet stated in a General Law City the Mayor does not have a vote, but in Prosper's Charter they allow the Mayor to vote.
- Kevin Adamson stated that all other cities he has looked at allows the Mayor to vote.

- Mike Hurst suggested it remain as five members and the Mayor only vote in the event of a tie.
- George Crump agreed that it should stay the way it currently is when it deals with the Mayor voting.
- Alan Lathrom went over compensation in the Prosper Charter and what the City of Farmersville has. He explained Prosper does not cover the City Council with liability insurance.
- Paul Kelly agreed that we need to have liability insurance information inserted in to the charter.
- Robbie Tedford stated he believed the insurance should be in the charter as well.
- Craig Overstreet discussed when Councilmembers miss meetings and how that should be handled in the charter.
- Alan Lathrom indicated the wording lines up to the State Statute and the information would be found in most charters.
- Paul Kelly wanted to know if the City needed a Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem.
- Alan Lathrom explained the Deputy Mayor Pro Tem was needed if there were conflicts of interests when the Mayor and Mayor Pro Tem have to recuse themselves from the meeting.
- Craig Overstreet continued with explaining the powers Council has according to the Prosper Charter. He also stated the charter needed to include that it would be prohibited for the Council to act without the City Manager
- Jason Lane asked if that clause would interfere with executive session items regarding personnel issues.
- Alan Lathrom indicated it would not.
- Craig Overstreet explained the Council would continue to hold two meetings per month.
- George Crump stated the first meeting was originally set up to be a workshop so Councilmembers could discuss the items on the agenda and then follow-up with a second meeting at a later time. This would allow the members to have in-depth discussions about items before they voted on them.
- Alan Lathrom suggested the Commission only put in the charter that they only have one meeting a month at a minimum so they could observe holidays.
- The passage of Ordinances was brought up as a discussion point.

- Alan Lathrom indicated currently the City requires two readings of the Ordinance, unless it is an emergency situation or financial Ordinance.
- Mike Hurst said that in the instance of an emergency situation, the charter should require three members for passage and not five, like Prosper and other cities have.
- Alan Lathrom stated the Open Meeting Act allows for an emergency meeting to be called within two hours. The list of reasons to have an emergency meeting was limited though.
- Jason Lane stated if the Mayor declared the City as a disaster area, the Mayor would generally be in charge.
- Alan Lathrom indicated that Ordinances would not be required and a meeting would not have to take place in the event of a disaster. The Mayor could only have control for seven days.
- Craig Overstreet asked for some examples of where this had happened.
- Jason Lane stated no specific Ordinances came to mind, but some places have put curfews in place. Mayor Piwko would also be able to give evacuation orders if necessary.
- Alan Lathrom stated the Mayor could also suspend money and could work around the bid process in the event of a disaster.
- Jason Lane suggested the City have a line of succession in the case of an emergency, but it needed to be placed in the emergency plan of the City.
- Craig Overstreet went on to the administration section. He did not see that anything needed to be changed because the wording was generic.
- Kevin Adamson explained that in a lot of cities the City Council hires the City Secretary.
- Ben White explained right now the City Manager recommends the City Secretary to the City Council for appointment.
- The Commission agreed the Municipal Judge would be left at two year terms.
- Robbie Tedford talked about a Councilmember having to resign their seat if they choose to run for another City Council seat.
- Alan Lathrom explained having this in the charter would help prevent dual office holding. He also stated the charter could be written to only allow citizens that are at least 21 years of age to run for office.
- Kevin Adamson asked how long someone had to live in the City before they could run for Council.
- The Commission came to the conclusion that requiring someone to live in the City for six months prior to the election and be a registered voter for that amount of time would be sufficient to run for Council.

- George Crump brought up how citizens are talking on social media about the charter.
- Mike Hurst explained how the City has a margin of error they are allowed in calculating the number of inhabitants and there is a formula that the City is following.
- Alan Lathrom explained the state law does not spell out the definition of inhabitants. Population is based on the census, and inhabitants are not spelled out. There has to be a rational basis for making the determination that the City has reached 5,000 inhabitants.
- Chris Nickell asked about the formula that was used in determining the City has hit the 5,000 inhabitant's level. He asked why they chose a multiplier of 3.5 when most cities use 2.5. He also stated he talked to the Superintendent of Farmersville ISD and asked about how many students have moved in to the school district in the past ten years. He stated they have only seen an influx of 300 students. He said it seems the school district would be a good indication that the City has not gone from 3,300 to 5,000 people.
- Robbie Tedford explained it is not a good indication because some of the students who go to Farmersville ISD do not live in the city limits. Our school district lines go well into the City's Extraterritorial Jurisdiction.
- Mike Hurst explained there are a lot of factors that have to be taken into consideration. For example, the nursing home and apartments are a few. The Council is trying to look ahead and get ahead of the curve to make the City better.
- Paul Kelly explained to the Commission members they need correct numbers to give citizens on how the City came up with 5,000 inhabitants. He also passed out a data sheet that showed the amount of water meters and the multiplier. He explained that by his calculations the City was still short of the 5,000 inhabitants by quite a bit.

IV. REQUESTS TO BE PLACED ON FUTURE AGENDAS

V. ADJOURNMENT

- Meeting was adjourned at 8:07 p.m.

APPROVE:



Mike Hurst, Chairman

ATTEST:



Sandra Green, City Secretary

