

MINUTES
HALTOM CITY CHARTER REVIEW COMMITTEE
City Hall – Pre Council Room
5024 Broadway Avenue
April 6, 2015 – 5:30 P.M.

A Regular Meeting was held by the Haltom City Charter Review Committee on Monday, April 6, 2015 at the City Hall Pre-Council Room with the following members present to-wit: Chairman Jimbo White, Vice Chair Bill Lanford arrived at 5:55 p.m.; Committee Members: Linda Thompson, Don Lemaster, Steve Chapman, Scott Garrett, Layla Caraway, Birdi Blocker and Jack Lewis. City Staff included City Manager Tom Muir and City Secretary Art Camacho

CALL TO ORDER

Chair White called the meeting to order at 5:30 p.m.

1. **Approval of Minutes** – Consideration and/or action to approve the Minutes of the March 16, 2015 Charter Review Committee Meeting. Committee Member Steve Chapman requested a removal of the statement "*The sufficiency of any statement of reasons or grounds...shall be a political rather than judicial question.*" (Const. Art. II §8). No other changes were made. Committee Member Linda Thompson moved, seconded by Committee Member Don Lemaster, to approve the Minutes of March 16, 2015, with corrections. ***The vote was unanimous. Motion carried.***

2. **Charter Revisions** – Consideration and/or action regarding revisions to the City Charter. City Manager Tom Muir stated he had not received any new information from the city attorney regarding the revisions from the previous meetings. The Committee again reviewed Sec. 6.01 and Committee Member Chapman moved, seconded by Committee Member Scott Garrett, to approve the proposed language for Article VI, Section 6.01 – Recall Authorized:
"Any city official, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of misconduct, malfeasance in office, or incompetency.
The recall petition must be addressed to the City Council of Haltom City, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and shall specifically state the facts supporting each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which they are charged.
For purposes of this section the following definition of terms shall apply:
The term 'misconduct' shall mean a transgression of some established and definite rule of law, charter provision or city ordinance. In order to constitute 'misconduct', such conduct shall be of a forbidden nature, a dereliction from duty or unlawful behavior and willful in nature.
The term 'malfeasance' shall mean a wrongful act which the actor has no right to do and which affects, interrupts, or interferes with the performance of official duty of any officer, employee or member of the governing body of the city.
The term 'incompetency' shall mean a lack of ability, legal qualification or fitness to discharge the required duties of the position."
A discussion was held regarding the purpose of a recall and the interpretation of the terms above. ***Committee Members Lanford, Thompson, Lemaster, Careway, Chapman, Gerrett, Lewis and Blocker voted aye. Chair White voted nay. Motion carried.***

Sect. 6.02 – *Petition for recall – Filing requirements* – The Committee discussed the percentage of qualified voters needed for filing a recall petition, ranging from 25% to 33% to 51%. Committee Member Lanford moved, seconded by Committee Member Lemaster, to approve the proposed percentage increase from 25% to 33% and that the wording “*but in no event less than two hundred fifty (250) such petitioners*” be omitted. **Committee Members Lanford, Thompson, Lemaster, Caraway, Chapman, Lewis and Blocker voted aye. Chair White and Committee Member Garrett voted nay. Motion carried.**

Sec. 6.06 – *Reserved* - The Committee discussed the opportunity for the recalled person to be able to have a public hearing to allow for him to present facts regarding the recall charges. Committee Member Chapman moved, seconded by Committee Member Thompson, to approve the proposed language: “The officer whose removal is sought may, within five days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. The city council shall order such public hearing to be held not less than five days nor more than fifteen days after receiving such request for a public hearing.” **The vote was unanimous. Motion carried.**

Sec. 7.02 *Initiative procedure* – A discussion was held regarding the timeline for the procedure for legislation to be completed for voting by the next uniform date.

Article VIII. FRANCHISES AND PUBLIC UTILITIES

No changes were made regarding the following sections:

Sec. 8.01– *Powers of the city as to utilities generally.*

Sec. 8.02 – *Franchise power of the city council.*

Sec. 8.03 – *Regulation of Rates and Service:*

Sec. 8.04 – *Right of regulation* - A discussion regarding the due process was held, but no changes were considered.

Sec. 8.05 – *Consent of property owners* – A discussion of property owner's rights and neighboring easements was held, but no changes were considered.

Sec. 8.06 – *Extensions.*

Sec. 8.07 – *Other conditions.*

Sec. 8.08 – *Franchise records.*

Sec. 8.09 – *Accounts of municipally owned utilities* – A discussion of the accounting of the water utility was held, but no changes were made.

Sec. 8.10 – *Restoration of Property; Use of Public Right-of-Way.*

Article IX. ADMINISTRATION

Sec. 9.01 – *City manager* – A discussion was held regarding the “*Cross reference – To establish residence, § 9.09* – as to whether include in this section.

Sec. 9.02 – *City secretary* – A discussion was held regarding the office of the city secretary, and further discussion on this item will be forthcoming.

3. Committee Member Absence – Consideration and/or action regarding excused absences of committee members. There were no absences.

ADJOURNMENT

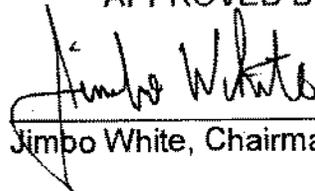
Chair White announced the next meeting will be held on April 20, 2015 at 5:30 p.m. and adjourned the meeting at 7:00 p.m. on April 6, 2015.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:



Art Camacho, City Secretary



Jimbo White, Chairman