



**MINUTES
CHARTER REVIEW COMMISSION
COUNCIL CHAMBERS
OCTOBER 24, 2022
6:00 PM**

The Charter Review Committee will hold a special meeting on October 24, 2022 at 6:00 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

PRESENT

Commissioner Glen Walden
Commissioner Joe Hollarn
Commissioner Johnny Waldrip
Commissioner Shelly Anderson
Commissioner Sharlotta Connally
Commissioner Robert Purdom
Commissioner Blake Hall
Commissioner Billy Jenkins
Commissioner Julian Torrez

STAFF

City Manager Mike Peacock
City Secretary Alice Holloway
City Attorney Terry Welch

ABSENT

NA

Individuals may attend the meeting in person, or access the meeting via videoconference, or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/82591579755?pwd=NklYdjdqQ3dZUkkrckRMdFZmb3JEQT09>

Meeting ID: 82591579755 Passcode: 038800

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.

By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Commissioner Hollarn announced a quorum and called the meeting to order at 6:02 pm.

B. CITIZENS FORUM

The Charter Review Committee invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Charter Review Committee is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Board deliberation is permitted. Each person will have 3 minutes to speak.

NA

C. REGULAR AGENDA

1. Welcome remarks and introductions

Commissioner Hollarn welcomed the commission members and staff.

2. Election of a Chair a Vice-Chair

Commissioner Waldrip moved to appoint Commissioner Walden as Chair. Commissioner Anderson seconded the motion. The motion passed unanimously.

Commissioner Walden moved to appoint Commissioner Hollarn as Vice-Chair. Commissioner Anderson seconded the motion. The motion passed unanimous.

3. Review of Goals and Objectives

City Attorney Terry Welch stated that the goals are to review the areas of the charter that council and staff is recommending and any other areas that is needed. In addition, he stated that there are a few minor housekeeping updates that needs to be done so we are in line with state law.

4. Timeline to review and propose Charter Amendments to City Council

City Secretary Alice Holloway stated that the goal is to be completed by the end of December so the council can may a special election in January, if needed.

5. Review portions of the Charter to be addressed for Committee consideration.

The following sections with recommendation were presented by City Attorney Terry Welch:

1. SECTION 3.06: VACANCIES AND FORFEITURE OF OFFICE

A. Vacancies. The office of a City Council member shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.

B. Forfeiture of Office. A Councilmember shall forfeit office if the member:

1. During the term of office lacks at any time any qualifications for the office prescribed by law or by this Charter.
2. Violates any express prohibition of this Charter.
3. Fails to attend three (3) consecutive regular meetings of the City Council without **being excused by** prior consent of the City Council, ~~unless this absence is caused by illness or by the illness of a family member.~~ The City Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor.
4. Is convicted of a felony or a crime involving moral turpitude while in office.
5. Ceases to reside in the City.

2. SECTION 4.10: VACANCIES

A. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor until such time as a new Mayor is elected. Any other vacancy on the City Council shall be filled in accordance with the provisions of this section.

The commissioners asked if the Mayor Pro Tem becomes Mayor if the Mayor is unable to fulfill his term. City Secretary Holloway answered no, he/she only fulfills their duty as Mayor Pro Tem and does not become mayor unless elected to the position.

B. A vacancy on the City Council for an office with a three-year term must be filled by special election in accordance with the requirements of the Texas Constitution-; however, in the event a vacancy occurs on the City Council for an unexpired term of twelve (12) months or less, the City Council may call a special election to fill the vacancy, or by majority vote of the City Council, appoint a replacement to fill the vacancy.

C. Vacancies on the Council for offices with two-year terms shall be filled as provided in this subsection. In the event there is one vacancy on the City Council, the City Council may call a special election or by a majority vote of all remaining members appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the City Council shall call a special election, unless appointment is required to achieve a quorum.

3. SECTION 9.05: RIGHT OF REGULATION

In granting, amending, renewing and extending public service, transportation and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights, whether or not stated in a franchise ordinance:

A. To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise.

B. To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same condition as the original grant.

C. To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.

D. To require reasonable standards of service and quality of product and prevent rate discrimination.

E. To impose reasonable regulations and restrictions to insure the safety and welfare of the public.

F. To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.

G. To require the franchisee to obtain prior approval by permit to place subsurface utilities.

H. To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal. ~~No asphalt or concrete street or thoroughfare shall be cut without the City Manager or his designee's written approval.~~

I. To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, type of structure, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.

J. To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

4. SECTION 11.12: OFFICIAL MEDIUM

The City Council shall, by resolution, designate one or more local newspaper(s) of general circulation in the City as the official newspaper(s) for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, the ordinance of the City, or the laws of the State of Texas shall be publicized once in said medium.

5. GENERAL BOND PROPOSITION:

~~Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar, and sentence structure, revise references to repealed or obsolete provisions of state law and conform notice and publication requirements to state law?~~

City Manager Peacock asked that Section 11.06 be reviewed and confirm that it will be within state law. City Attorney Welch stated that he will provide some suggested language at the next meeting.

It was also suggested that Section 4.05 be reviewed at the next meeting.

D. ADJOURN

Commissioner Walden adjourned the meeting at 6:53 pm.

Glen Walden, Chair

Alice Holloway, TRMC, MMC
City Secretary

Approved: November 21, 2022