

**MINUTES**  
**HOME RULE CHARTER COMMISSION**  
**CITY OF CRANDALL, TEXAS**  
Thursday February 27, 2020 at 6:00 p.m.

**Chairman – Michelle Barton**  
**Co-Vice Chairman – Jeremy Roth Co-Vice Chairman - Pat Branson**

**Commission Members**  
**Jon Capps Robert Dlabaj Jennifer Hiser Sharon Hutchins**  
**Michael Jacobs Charles Marsh Micalah Medlin Katy Vaughan Mike West**  
**Ruth White Cherie Williams Tex York**

**City Staff:**

Danny Kirbie, Mayor  
David Lindsey, Mayor Pro Tem  
Shannon Barnes, City Council Member  
Bobbie Jo Taylor, City Secretary  
Kent Hofmeister, City Attorney  
Casey Bingham, EDC Director/Communications

**Citizens:**

Adam Holden

**HOME RULE COMMISSION MEETING**

**1. Open Meeting, Invocation, Pledge of Allegiance –**

Chairman Michelle Barton opened the meeting at 6:03 p.m. and asked that Robert Dlabaj lead the Invocation. Mr. Dlabaj led the Invocation followed by the Pledge of Allegiance.

**2. Roll Call –**

Michael Jacobs was not in attendance.  
All other members of the Commission were present.

**3. Citizen Comments –**

No Comments were brought before the Commission from the Citizens.

**Chairman Barton asked that the consideration of the minutes be discussed prior to item 4. Discuss and consider Section 3.02 City Council Qualifications.**

**5. Discuss and consider minutes of February 13<sup>th</sup> and February 20<sup>th</sup>,2020 –**

Jon Capps made a motion to approve the minutes of February 13<sup>th</sup> and February 20<sup>th</sup>, 2020. Pat Branson seconded the motion. The motion carried with a unanimous vote of the Commission.

**4. Discuss and consider Section 3.02 - City Council Qualifications -**

City Attorney, Kent Hofmeister, explained that he had researched many other city charters' and that he is seeing that some charters have very few qualifications for City Council. However, Mr. Hofmeister stated that there is nothing that prohibits the Charter Commission from adding in language to the charter that would allow for the Commission to restrict the membership of the Council, in order to eliminate persons who have been convicted of felonies or any other restriction that the Charter Commission may deem appropriate.

Jon Capps made a motion to accept Section 3.02 with changes made to item D. to read as:

A City Council member shall not have been finally convicted of a felony, of any Class A assaultive offense under Chapter 22 of the Texas Penal Code, or of any Class A or B misdemeanor theft under Chapter 31 of the Texas Penal Code.

Cherie Williams seconded the motion. The motion carried with a unanimous vote of the Commission.

**6. Discuss and consider revisions made to Article 11 – Initiative, Referendum, and Recall -**

Katy Vaughan addressed the Commission regarding "User-Based Fees". Ms. Vaughan stated that it was her understanding that Article 11 Section 11.01 Power of Initiative was to be re-written to not include the wording "User-Based Fees". Ms. Vaughan stated that by allowing the language to remain in the proposed Charter an Initiative would not allow the Citizens to petition for relief of any "User-Based Fees" placed on utility bills.

Robert Dlabaj made a motion to remove all instances of "User-Based Fees" from the wording in Article 11 in order to allow the City to put into place user based fees but will allow for Citizens to be able to use the power of initiative to remove such fees. Katy Vaughan seconded the motion. The motion carried with Jon Capps, Tex York, Ruth White, and Pat Branson opposing the motion.

Jeremy Roth made a motion to accept Section 11.02. Robert Dlabaj seconded the motion. The motion carried with a unanimous vote of the Commission.

The Commission continued discussions with the City Attorney regarding options that were presented to the Commission for Article 11 Section 11.11 Limitations on Recall.

Jeremy Roth made a motion to accept option one (1) as presented by the City Attorney which read:

No recall petition shall be filed against the Mayor or any other Council Member within six (6) months after that person takes office for the first time as either Mayor or Council Member, or within six (6) months after an election is held for that person's recall, or within six (6) months of the end of that person's term.

Jennifer Hiser seconded the motion. The motion carried with a unanimous vote of the Commission.

**7. Discuss and consider Article 14 – Transitional Powers -**

Attorney, Kent Hofmeister, explained Transitional Powers to the Charter Commission. After an explanation the Commission discussed how the new sixth (6<sup>th</sup>) member of the City Council will be filled. Katy Vaughan raised the issue of the City Council appointment of the sixth (6<sup>th</sup>) member versus the election of the position in November. Commission Member Charles Marsh stated that by not allowing the City Council to appoint the position this could create the possibility of a tie and that in his opinion the Commission should not allow that to happen.

After discussion of Article 14 – Transitional Powers Jon Capps made the motion to accept the Article as written with the addition of including members of Boards and Commissions be included as Officers or Officials of the City. Sharon Hutchins seconded the motion. The motion carried with Robert Dlabaj, Katy Vaughan, Mike West and Jeremy Roth opposing the motion.

**8. Discuss and consider Article 15 – Nepotism, Prohibitions, and Penalties –**

Ruth White made a motion to accept Article 15 – Nepotism, Prohibitions, and Penalties. Cherie Williams seconded the motion. The motion carried with a unanimous vote of the Commission.

**9. Discuss and consider Article 16 – Review and Amendment of Charter-**

The Commission discussed in detail the options that could be added to Article 16 – Review and Amendment of Charter. City Attorney, Kent Hofmeister, stated that the Charter will be frozen for a period of two (2) years per state law before any changes could be made. Mr. Hofmeister stated that it would be up to the Commission to implement procedures that would benefit the Citizens of Crandall when looking to

revise the Charter document. The City Attorney suggested that the Commission leave the section to be discretionary.

After Discussion the following motions were made:

Ruth White made a motion to edit Article 16 to state that the City Council shall appoint a 10-member Commission to review the charter within five (5) years of the effective date of the charter and as needed thereafter. Jon Capps seconded the motion. The motion failed with Michelle Barton, Jeremy Roth, Pat Branson, Sharon Hutchins, Micalah Medlin, Mike West, Cherie Williams, Katy Vaughan and Charles Marsh opposing the motion.

Micalah Medlin made a motion to edit Article 16 to state that the City Council shall appoint a Charter Review Commission to review the charter within three (3) years of the effective date of the Charter and to review thereafter as needed with a period not to exceed ten (10) years. Sharon Hutchins seconded the motion. The motion carried with Tex York, Jon Capps and Robert Dlabaj opposing the motion.

Pat Branson made a motion to change the number of members on the review commission to eleven (11) members. Katy Vaughan seconded the motion. The motion failed with Pat Branson and Katy Vaughan voting to approve and all other members of the commission opposing the motion.

Katy Vaughan made a motion to accept the remainder of Article 16 with the changes made in the above motions. Charles Marsh seconded the motion. Motion carried with a unanimous vote of the Commission.

#### **10. Discuss and consider previous and any current revisions needed to be made to the draft Charter –**

The Commission discussed previous and current revisions they thought needed to be addressed in the proposed charter. The following motions were made:

Jennifer Hiser made a motion to accept the Attorney re-written Section 13.02 Notice of Claim to read as:

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within ninety (90) days after the time at which it is claimed such damages were inflicted upon such person or property, provide the City with notice, in writing, of such injury or damage, duly verified, stating when, where, and how the injury or damage occurred and the apparent extent thereof, the amount of damage sustained, the amount for which the claimant will settle, the actual residence of the claimant by street and

number on the date the claim is presented, and the names and addresses of witnesses upon whom claimant relies to establish the claim. A failure to so notify the City within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever.

Cherie Williams seconded the motion. The motion carried with a unanimous vote of the Commission.

Jennifer Hiser made a motion to edit Article 14 Section 14.01 D to reflect that places 2, 4, 6, and the Mayor's Seat will be up for election in 2021 and to edit places 1, 3, and 5 to be elected in 2022. Robert Dlabaj seconded the motion. The motion carried with a unanimous vote of the Commission.

The commission asked City Attorney, Kent Hofmeister, to draft language that would explain how the term limits will be implemented in the transitioning powers of the charter.

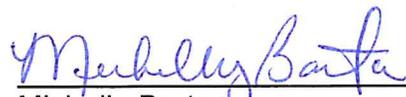
Chairman Michelle Barton explained to the Commission that she is drafting a letter for the approval of the Commission to be presented to the City Council at the time that the Charter is presented. Ms. Barton discussed hot topics including term limits, form of government, and adding a member to the Council that will be covered in the letter. Ms. Barton asked that the letter be presented to the Commission on the next agenda.

**11. Discuss and consider a meeting date of Tuesday March 10<sup>th</sup> or Wednesday March 11<sup>th</sup> to finalize the City Charter to be presented to the City Council –**

Katy Vaughan made a motion to schedule a meeting date of Wednesday March 11<sup>th</sup>, 2020 to finalize the City Charter to be presented to the City Council. Mike West seconded the motion. The motion carried with a unanimous vote of the Commission.

**12. Adjourn –**

Mike West made a motion to adjourn at 8:40 p.m. Katy Vaughan seconded the motion. The motion carried with a unanimous vote of the Commission.

  
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Michelle Barton  
Chairman

Attest:



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Bobbie Jo Taylor, TRMC  
City Secretary