



**FARMERSVILLE CITY COUNCIL  
CHARTER COMMISSION MINUTES  
For  
September 7, 2017, 6:30 P.M.**

**I. PRELIMINARY MATTERS**

- Chairman Mike Hurst called the meeting to order at 6:30 p.m. Commission members John Garcia, Paul Kelly, Wyatt Mcguire, Richard Holbrook, Jason Lane, Kevin Adamson, Craig Overstreet, Robbie Tedford, and Chris Nickell were present. Staff liaison Sandra Green, and City Attorney Alan Lathrom were also present.
- Prayer was led by Craig Overstreet followed by the pledges to the United States flag and Texas flag.

**II. CONSENT AGENDA**

- A. Consider, discuss, and act upon the Charter Commission Minutes from August 10, 2017.
- Motion to approve minutes made by Wyatt Mcguire
  - 2<sup>nd</sup> made by Robbie Tedford
  - All members voted in favor

**III. REGULAR AGENDA**

- A. Discuss examples of Charters from various Home-Rule Cities and start planning and constructing the Charter for the City of Farmersville.
- Mike Hurst addressed the Commission and explained how the state has changed the wording of the law to say that cities with 5,000 inhabitants are able to become Home Rule. The City used a formula that incorporated the number of water meters that were utilized in the City and used a multiplier of 3.5. There has also been new legislation that came out of the last session that has taken away some cities rights to annex. People have to petition to annex and there would have to be an election. He indicated the City was still planning on moving forward with a charter

- unless the Commission decided it was not a good idea.
- Craig Overstreet started by discussing the composition of the Council. He indicated they are not wanting to change the terms of City Council.
- Paul Kelly said the Commission did need to discuss term limits because of the lack of interest in citizens running for Council seats.
- Mike Hurst explained there are advantages to becoming Home Rule. For example, an ordinance can be overturned if a certain number of residents voted to repeal it.
- Paul Kelly asked if the charter could be amended after it was passed.
- Alan Lathrom explained the State of Texas only allows cities that are General Law to have five members on the City Council, but they could have more if the City was Home Rule. Alan Lathrom explained that citizens can vote for ordinances and repeal ordinances if they are Home Rule. Home Rule Charters allow citizens to petition and bring to the Council legislation they want to be adopted. The Charter would spell out the number of signatures that would be required to accomplish this. The City Council would have some time to accept the Petition of Initiative. If Council refuses to act on the petition then the citizens could have an election to have it adopted. City residents can also petition the City Council to review the City Charter or the Charter can have a provision written in it to have it reviewed every three years or so.
- Craig Overstreet stated the Prosper Charter is a lot like how the City of Farmersville is conducting business now.
- Alan Lathrom continued by stating there is an Initiative and Referendum. The Initiative is the petition, and the referendum is the vote. The petition for recall allows citizens to come forward with a petition of recall and request certain members of the Council to have a re-vote. There needs to be some discretion on the number of voters that would be required for recall elections. In regards to annexation, Tier 1 cities can still annex land the same as they could before September 1, 2017. The legislature has carved out annexation rights in relation to how many people live in the county the City is located in. If the county has more than 500,000 residents then they fall in Tier 2, and those cities have had annexation powers erased. As of December 1, 2017, cities will still be able to annex property if the residents petition for annexation. Cities still have the authority to annex City owned property, but it also puts limitations on land swaps between cities that border each other.
- Craig Overstreet stated the rest of the Charter discusses finances, how commissions are established, and the comprehensive plan.
- Alan Lathrom stated the charter could spell out franchise agreements, but the City is limited on that. There has been a new law that took effect September 1<sup>st</sup>. The law allows for small cell antennas to be placed on

light poles, red light poles, and other poles, and it carves those out of our franchise agreements. They are exempted from the franchise and license agreements now. The Charter can restrict the number and uses of franchises. You would be able to either deal with franchise agreements through the Charter or continue with ordinances.

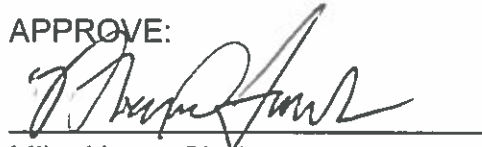
- Mike Hurst explained the two examples from Lucas and Prosper are really the same. There are a few different subheadings, but the first thing that caught his attention was the term limits, and annexation powers. Those were the only items that are different from what the City does now.
- Alan Lathrom stated the City can have the Charter Review Committee revisit the charter periodically. This would allow it to be modified or updated to ensure it is working the way it was designed to. The good thing about Home Rule is that it allows cities to exercise the same authority as the Texas Constitution. In a General Law City you can only do what the State Legislature says you can do.
- Richard Holbrook asked if the process of creating and approving the charter goes to the state for approval first.
- Alan Lathrom stated it does not. The Legislature spells out inhabitants, rather than 5,000 population. Population is determined by the census, but State law does not spell out what is meant by inhabitants.
- Richard Holbrook asked who determines how many inhabitants the City has.
- Alan Lathrom indicated the governing body has that authority.
- Mike Hurst stated there was not going to be an exact way of counting the inhabitants, but they do give you a margin of error. If Camden Park is built then we would definitely have the inhabitants. It was never the City Council's intention to go out and start annexing tons of property. According to law, the City would have to provide services to those properties that were annexed. Once the Charter is written and the Commission approves it, a copy of the Charter will have to be mailed to every citizen within the city limits to review, then they would vote on it.
- Alan Lathrom indicated that he agreed with Robbie Tedford from the last meeting about comparing the Code of Ordinances and the Prosper Charter to see what would be good for the City of Farmersville.
- Paul Kelly suggested at the next meeting the Commission look at five articles to compare and then move to the next five and so on.
- Craig Overstreet stated the Charter would actually give more rights to the citizens.
- Chris Nickell stated he has gone out and asked people about the charter and they only responded with information about annexation. He explained they generally said they thought it was bad.

- Mike Hurst stated Alan Lathrom could create a fact sheet that would address frequently asked questions regarding Home Rule Charters because it is not the intentions of the Commission or Council to make people think we want to do anything harmful to the City. It is to protect the City.
- Commissioners discussed the next meeting would be held on Thursday, October 5, 2017, at 6:30 p.m.

IV. ADJOURNMENT

- Meeting was adjourned at 8:12 p.m.

APPROVE:



Mike Hurst, Chairman

ATTEST:



Sandra Green, City Secretary

