



The City of Bruceville-Eddy Rising into the Future

144 Wilcox Drive
Eddy, Texas 76524

www.bruceville-eddy.us

Phone: (254) 859-5964
Fax: (254) 859-5779

**City Council Workshop and Council Meeting
Workshop 5:00 pm and Council Meeting 6:30 pm
September 9, 2021
Minutes**

Workshop called to order by Mayor Bass at 5:00 pm

Workshop agenda:

Council to discuss all items on the agenda.

During the workshop the councilmembers discuss regarding the mayor being able to cancel special called council meetings. Please see attachment read by Linda Owens.

City Administrators update the city council and discuss concerns.

Ms. Bishop update the council on Franklin Publishing, Tax Rate, and Waco Paving for the handicap parking. The bullet proof glass the lawyer has contacted them by letter and tried calling them and no answer.

Workshop adjourned at 6:00 pm

1. Council Meeting called to order by Mayor Connally Bass at 6:30 pm

Roll call councilmembers present: **Ricky Wiggins, Mayor Pro-Tem, James Tolbert, Marc Fowler, Linda Owens, and Cecil Griffin.**

City staff present: **Sonya Bishop, City Administrator, Pam Combs-City Secretary, Chief Dorsey, Officer Martinez, and Officer Roman.**

Public Hearing called to order at 6:34 pm

- 2. Public Hearing: Council to consider remarks on proposed general fund budget.**

Public Hearing adjourned at 6:35 pm, no action taken

Public Hearing called to order at 6:36 pm

- 3. Public Hearing: Council to consider remarks on proposed water fund budget.**

Public Hearing adjourned at 6:37 pm, no action taken

Public Hearing called to order at 6:38 pm

- 4. Public Hearing: Council to consider remarks on proposed tax rate for Tax ordinance adopting tax rate of .50/100 which is effectively a 4.19 percent increase in the tax rate.**

Public Hearings adjourned at 6:39 pm, no action taken



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5. Citizen Presentations-

The City Council welcomes public comments at this point on items **not** specifically listed on the agenda. Speakers must sign up before the meeting begins. Speakers are limited to five (5) minutes each. The Council cannot respond to matters not listed on the agenda until a future meeting.

Sonda Prater, 190 Soules Circle – She addressed the council regarding an item on a past agenda meeting regarding city administrator and councilmember.

W. Darrin Weaver, 199 Cr 435- He addressed the council about putting street lights up on Market Street, because it is unsafe for the customers at Eagles Landing, Our Daily Bread, and Kissing Tree. The street lights will be on our next agenda. He also wanted to know the time line for the sewer system.

Police Report- Chief Dorsey

Call of Service-124, Asset, Offense, Incident Reports-25, Crash Report 14, Citations and Warning-138, Citations Total-53, and Warnings Total-85.

Code enforcement-20 pending violations and 13 properties in citation status

Water Dept Report- per Sonya Bishop, (Gene Sprouse was not available) 137 calls, 11 leaks, 5 clean-ups, and 13 street repairs

6. Council to discuss, consider, and possibly take action on the new gun law which is presented by Brent McCain that went into effect on September 1st, 2021. This is specifically dealing with the new changes in the law regarding open meetings of a governmental entity.

Mr. McCain was not available so Chief Dorsey spoke about the new gun law. There were suggestions regarding a metal detector. Council suggested for it to be on the next agenda. No action taken.

Mayor and City Council Agenda Item Request:

7. Review formats for City Council performance review with City Administrator and set date and time for review. Review format for City Administrator performance reviews with City Staff and set desired completion dates.

Motion made by Linda Owens, by the 21st of September, 2021 that we have our evaluations filled out for Sonya Bishop and Chief Dorsey. The evaluations put in a sealed envelope and handed to the mayor, and the staff is going to put their evaluation regarding Sonya Bishop in a lock box. Everything will be handed over to the mayor. Then the mayor will make sure it is handed to the correct two people that are going to go over all the evaluations for this job title. Evaluations will be reviewed on September 22, 2021. 2nd by Cecil Griffin, 5 yeas 0 nays, motion passes

Motion made by James Tolbert for Linda Owens and Marc Fowler since they did it before I vote they do it again for Sonya Bishop, and for Cecil Griffin and Ricky Wiggins to go over with Chief Dorsey his evaluation. 2nd by Linda Owens, 5 yeas 0 nays, motion passes.



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8. Council to discuss, consider, and possibly take action on council members conferring with our city attorney about city matters. **No action taken. Please see attachment read by Ricky Wiggins.**
9. Council to discuss, consider and possibly take action on the mayor's authority to cancel any special called meetings called by city council members. **No action taken. Please see attachment read by Ricky Wiggins.**

City Business-

10. Council to discuss, consider, and possibly take action on approving the budget for the general fund.
Motion made by Linda Owens to approve the budget and Ordinance 09-2021-01 for the general fund 2nd by James Tolbert, 5 yeas 0 nay, motion passes.
11. Council to discuss, consider, and possibly take action on approving the budget for the water fund.
Motion made by James Tolbert to approve the budget and Ordinance 09-2021-02 for the water fund, 2nd by Cecil Griffin, 5 yeas 0 nay, motion passes. 5 yeas 0 nay. motion passes.
12. Council to discuss, consider, and possibly take action on approving ordinance number 09-9-21. Tax ordinance adopting tax rate of .50/100. Per Section 26.05(b) A motion to adopt the ordinance, must be made in the following form: I move that the property tax rate be increased by the adoption of a tax rate of \$0.500000, which is effectively a 4.19 percent increase in the tax rate.
Motion made by Linda Owens, I move that the property tax rate be increased by the adoption of a tax rate of \$0.500000, which is effectively a 4.19 percent increase in the tax rate. 2nd by Cecil Griffin, 5 yeas 0 nay, motion passes.
13. **Consent Agenda**
 - a) Council to discuss, consider, and possibly approve minutes from Special Called Meeting August 25, 2021.
Motion made by Linda Owens to approve the minutes from Special Called Meeting August 25, 2021, 2nd by Cecil Griffin, 5 yeas 0 nay, motion passes.
 - b) Council to discuss, consider, and possibly approve minutes from August 26, 2021, regular called council meeting.
Motion made by Linda Owens to approve the minutes from August 26, 2021 regular called council meeting 2nd by Cecil Griffin, 5 yeas 0 nay, motion passes.
 - c) Council to discuss, consider, and possibly approve minutes from Special Called workshop August 30, 2021.
Motion made by Linda Owens to approve minutes from Special Called workshop August 30, 2021, 2nd by Cecil Griffin, 5 yeas 0 nay, motion passes.



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Motion made by James Tolbert to adjourn the meeting at 8:25 pm, 2nd by Linda Owens, 5 years 0 nays, motion passes

Connally Bass

Connally Bass, Mayor

Date

Pam Combs

Pam Combs, City Secretary

Date



Fw: Cancelling a special meeting

1 message

Linda Owens <Council1@bruceville-eddy.us>
To: "wacomortuary@gmail.com" <wacomortuary@gmail.com>

Wed, Sep 8, 2021 at 3:31 PM

From: Stephanie Schwab <sschwab@namanhowell.com>
Sent: Friday, September 3, 2021 4:14 PM
To: Linda Owens <Council1@bruceville-eddy.us>
Cc: Neal Pirkle <Pirkle@namanhowell.com>
Subject: Cancelling a special meeting

Ms. Owens,

As a summary of our call this afternoon, the Open Meetings Act does not set forth any requirements for canceling a posted meeting, nor do any provisions of the Local Government Code. Some cities have ordinances that address calling and cancelling council meetings, but I do not see any Bruceville-Eddy ordinances that cover this. The following provisions of the Local Gov't Code address some of the powers of the mayor in regards to council meetings: 22.037 (Mayor as Presiding Officer); 22.038 (Meetings), which provides the Mayor may call a special meeting; and 22.042 (Powers and Duties of Mayor). Because the statutes and ordinances do not address this, there is no clear answer who may cancel a meeting, special or otherwise.

Thanks,



**NAMAN HOWELL
SMITH & LEE**
ATTORNEYS AT LAW

EST. 1917

AUSTIN | FORT WORTH | SAN ANTONIO | WACO

Stephanie E. Schwab

Member

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Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

~~X~~ Sec. ~~22.0370~~. MAYOR AS PRESIDING OFFICER; PRESIDENT PRO TEMPORE. (a) The mayor shall preside at all meetings of the governing body of the municipality and, except in elections, may vote only if there is a tie.

(b) At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year.

(c) If the mayor fails, is unable, or refuses to act, the president pro tempore shall perform the mayor's duties and is entitled to receive the fees and compensation prescribed for the mayor.

(d) If the mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

~~X~~ Sec. 22.038. MEETINGS. (a) The governing body of the municipality shall meet at the time and place determined by a resolution adopted by the governing body.

(b) The mayor may call a special meeting on the mayor's own motion and shall call a special meeting on the application of three aldermen. Each member of the governing body, the secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.

(c) The governing body shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct.

(d) An alderman shall be fined \$3 for each meeting that the alderman fails to attend unless the absence is caused by the alderman's illness or the illness of a family member.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 947 (H.B. 1734), Sec. 1, eff. June 14, 2013.

Sec. 22.039. QUORUM. A majority of the number of aldermen established by Section 22.031 for the municipality constitutes a quorum. However, at a called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of aldermen established by that section constitutes a quorum unless provided otherwise.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 22.040. CHANGE OF WARDS. (a) The governing body of the municipality may divide the municipality into as many wards as it considers necessary for the good of the residents and may change ward boundaries. The wards must contain an equal number of voters as far as practicable.

(b) The governing body may not change the number of wards or boundaries of a ward during the three-month period preceding the date of a municipal election.

(c) The wards of a municipality that changes to a Type A general-law municipality under Subchapter B, Chapter 6, are not affected by that action.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 22.041. VACANCY ON GOVERNING BODY IS CREATED. (a) If an alderman moves from the ward from which the alderman is elected, the alderman's office is considered vacant.

(b) If a member of the governing body is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting.

(c) In addition to an absence described by Subsection (b), a member of a governing body is also considered absent for the purposes of that subsection if the member is not present at the adjournment of a meeting at which a quorum is established, unless the member is first allowed to withdraw by the

unanimous vote of the members present. This subsection applies only to a municipality that is located in a county with a population of 800,000 or more that is adjacent to an international border.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 995 (H.B. 2259), Sec. 1, eff. June 14, 2013.

~~Sec. 22.042. POWERS AND DUTIES OF MAYOR. (a) The mayor is the chief executive officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality.~~

~~(b) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.~~

~~(c) The mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.~~

~~(d) The mayor may administer oaths of office.~~

~~(e) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.~~

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 22.043. PETITIONS AND REMONSTRANCES PRESENTED TO GOVERNING BODY. Petitions and remonstrances may be presented to the governing body of the municipality and must be in writing.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER C. OTHER MUNICIPAL OFFICERS

Sec. 22.071. OTHER MUNICIPAL OFFICERS. (a) In addition to the members of the governing body of the municipality, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer, and any other officers or agents authorized by the governing body.

(b) The governing body by ordinance shall provide for the election or appointment of the officers provided by this section.

(c) The governing body may confer on other municipal officers the powers and duties of an officer provided for by this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 22.072. POWERS AND DUTIES OF MUNICIPAL OFFICERS; BOND. (a) The governing body of the municipality may require a municipal officer whose duties are prescribed by this code to perform additional duties.

(b) The governing body may prescribe the powers and duties of a municipal officer appointed or elected to an office under this code whose duties are not specified by this code.

(c) The governing body may require a municipal officer to execute a bond payable to the municipality and conditioned that the officer will faithfully perform the duties of the office.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 22.073. POWERS AND DUTIES OF SECRETARY. (a) The secretary of the municipality shall attend each meeting of the governing body of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings.

Item# 8 & 9 9/9/21 MTG

From: Will Trevino <will@tml.org>
To: railriderrick@aol.com <railriderrick@aol.com>
Sent: Sun, Aug 15, 2021 8:36 pm

At our last regular called city council meeting, I made the motion to call this special called meeting and it was voted on and passed to have it. Then on Saturday, the mayor canceled it and re-scheduled it for 8-19-21 at 6:30 PM. He stated that he was getting some phone calls about having this meeting at 10:00 AM and therefore, a lot of people would not be able to attend due to work. That was his reason to cancel the meeting. I understand his point, however, if a special called meeting is "called" by the council, does the mayor have the authority to cancel the meeting? I understand that if it is a regular scheduled meeting or any special meeting that the mayor calls, then he can cancel the meeting, but if the council calls the meeting I thought it may be different. I thought that maybe the one whom made the motion to call the special called meeting could cancel or the mayor could cancel it with the approval of the one whom made the motion. Not sure..... Please see the attached as relates to the mayoral authority. Generally, absent any local regulations or policies, a mayor does not have the authority to cancel a called meeting.

Does a mayor have the authority to cancel a city council meeting?

State law provides no procedure to cancel a city council meeting. In a general law city, the common practice is for the mayor to cancel a meeting when it becomes necessary to do so. If a mayor chooses to cancel a meeting, he should contact all councilmembers and inform them of the decision. Of course, as with other areas that are not governed by state law, a city council may wish to adopt written procedures to clarify the "who, when, and how" by which meetings are canceled.

<https://www.tml.org/DocumentCenter/View/181/City-Council---Mayoral-Authority---2011-06-PDF>

Does a councilman have the right to call, text and/or email our city attorney? The mayor told me that I had no right to call our attorney and if he charged us, that I would have to pay for it. I have found nothing in any of our ordinances or anything else that would prevent me from contacting our attorney for legal matters pertaining to our city. I have in the past and it wasn't an issue. The reason I believe that the mayor said this is when he called me to tell me about him canceling the special called meeting, he left me a message about it and when he was going to reschedule it for. So, before I returned the mayor's phone call, I called our attorney and just asked him if he would be able to attend the meeting on that date, which he was going to be there at 10:00 AM on Monday, he checked his schedule and told me that he could be there then. I then called the mayor and informed him that I had spoken with the attorney and that he said he could be there on 8-19. This is when the mayor told me that I had no right to call our attorney and that if he charged the city for that, then I would have to be the one who pays for it. The mayor stated that he didn't think that we needed the attorney at the meeting and that if we went into executive session to speak about the city administrator, we would not need our attorney present. I asked the mayor if he was going to ask our attorney to be at the meeting and he said no, he was not going to ask him to come. Please let me know your thoughts.....This really depends on whether the city council has adopted a policy. The city attorney represents the city, his/her client, and the mayor and city council are the city's elected officers. However, some cities do adopt policies that limit the use of an attorney by city council members as the legal costs can exceed what was budgeted. I would discuss with the city attorney and/or place the item on the next agenda for council discussion and action. They may agree with the mayor or you. Additionally, the agenda lists 551.071 and 551.074 of the Gov't Code as possible exceptions to an open session. Please keep in mind that the city attorney must be present or available by telephone if the council will proceed under 551.071. If the council proceeds under 551.074, the city administrator has a right to request that the discussion regarding his/her position remain in open session. They do not have a right, however, to request that the council take the discussion into executive session.

City of Bruceville-Eddy Council
Citizen Participation Form

This form is furnished for citizens that wish to address council on a matter that may or may not be on the agenda. This Council may or may not take action to the extent allowed by law.

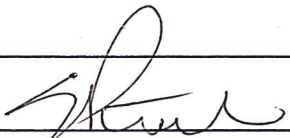
This is a forum to address the Council only.

Please fill out this form and turn in to the City Administrator prior to the meeting being called to order.

NAME Sonda Prater
ADDRESS 190 Sowers Circle
PHONE # 254 405 2337

SUBJECT OF CONCERN WITH INFORMATION TO BE ADDRESSED TO COUNCIL:

past agenda + present agenda items

SIGNED  DATE 9/12/21

NO ACTION CAN BE TAKEN AT THIS TIME.

1. When called on by the Mayor, please step to the podium and state your name and address before beginning your presentation.
2. Please limit your remarks five (5) minutes, unless previously approved by the Mayor.
3. Persons speaking on the same topic are encouraged to appoint one spokesperson to present views of the group.

The Citizen Participation portion of the meeting promotes a fair and open process for the governance of the City of Bruceville-Eddy. It allows people to address the City Council or register a position on any issue. This portion of the meeting is an opportunity for citizens to share their views and inform the Council about situations related to city government.

It is not intended to be an extended discussion or a debate.

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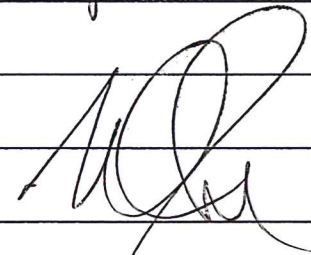
This is a forum to address the Council only.

Please fill out this form and turn in to the City Administrator prior to the meeting being called to order.

NAME W. Darrin Weaver
ADDRESS 199 CA 435
PHONE # (254) - 493-2899

SUBJECT OF CONCERN WITH INFORMATION TO BE ADDRESSED TO COUNCIL:

Street lights Market St. / Sewer

SIGNED  DATE 9 Sep 21

NO ACTION CAN BE TAKEN AT THIS TIME.

1. When called on by the Mayor, please step to the podium and state your name and address before beginning your presentation.
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