

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on Tuesday November 10, 2009 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Charlene Lewis	Commissioner
Scott Dolan	Commissioner
Bill Lindenborn	Commissioner
Ted Kwas	Commissioner
Arnold Wells	Commissioner

Commissioner Tugman was absent.

Other's present was: Mike Slye, City Manager; Trish Holley, City Clerk; Dale Lewis, Director of Administration and Jay Cantrell, City Attorney.

Other's present: Michael Bunton, W.L. Bunton, Chase Thornton, Glen Hutchinson and Raymond Holland.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Lindenborn.

Item 3. The Pledge of Allegiance was led by Commissioner Kwas.

Item 4. Discuss and take no action on the following City Charter Articles:

Mayor Law asked if anyone had signed up to speak:

Chase Thornton, 303 Kirk Street addressed Item 4. Mayor Law suggested that he wait and address each topic as they came to it.

Mike Slye, City Manager briefly gave an overview of five items listed on a non-binding referendum election held in 2001 and reviewed the charter election held in 2002.

TOPIC

REFERENCE

A. Control & Improvement Streets Art. III, Section

Mr. Slye addressed the Commissioners and stated the city needs to check with state rules and WTJ railway to see if the city can legally maintain the roadway next to the railway.

Commissioner Wells asked if the city could choose to upgrade the railway crossing but leave cost repairs to WTJ, mainly maintain and upkeep the road.

Commissioner Lewis asked who would be responsible if the city had made repairs, and then the repair was faulty which caused an accident or if someone was killed, who would be responsible.

City Attorney Jay Cantrell stated that Congress had passed the Federal Rail Safety Act and that governs who is responsible for situations like that. Mr. Cantrell stated he would further check into what the city can legally pursue in maintains the railways.

B. Election Process Art. IV, Section 2

Commissioner Kwas stated he would like to have a Place System, not a geographical division, find a way for a person to represent certain areas of town.

The other Commissioners stated they didn't have any objection to the current process.

C. Vacancies in Office Art. IV, Section 6

After much discussion, the Commissioners determined the current language should be clean up to reflect what the voters voted on in 2002 which should read as "that should two or more vacancies occur at the same time". The Commissioners also discussed that the section states that "at least three (3) members participating in the election" and it should be cleaned up to reflect four (4) members since that constitutes a quorum.

D. Election of Mayor Art. IV, Section 7

The Commissioners discussed the current process of electing the Mayor and didn't have any objection to the current process.

Motion was made by Commissioner Wells, seconded by Commissioner Kwas to adjourn.
Ayes: Mayor Law, Commissioners: Wells, Kwas, Lewis
Nays: Commissioners: Lindenborn, Dolan

Mayor Law stated the meeting was adjourned.

Commissioner Dolan asked if we were going to have a City Manager's report, Mayor Law yes, the meeting is not adjourned.

Item 5. City Manager's report. No discussion.

Item 6. Council Comments.

Commissioner Dolan thanked everyone for attending and for staying longer tonight, with my work schedule it is hard for me to be at noon meetings.

Commissioner Lewis thanked everyone for coming and listening to her.

Item 7. Motion was made by Commissioner Dolan, seconded by Commissioner Wells to stop at Item 4E and return on November 25th at noon to continue the city charter discussion. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Trish Holley, City Clerk