

**REGULAR MEETING OF CITY COUNCIL
FEBRUARY 5, 2013 – 1:30 P.M.**

PRESENT:	Jeff Brain	Mayor
	Leon DeWeese	Council Member
	Robert Vinyard	Council Member
	Marvin Dickson	Council Member
	Charles Gillingham	Council Member

STAFF:	Eddie Edwards	City Manager
	Danny Richards	E.O.C. Director
	Stella E. Sauls	City Secretary
	Jimmy Adams	Chief, Police Department
	Anthony Griffin	Lieutenant, Police Department
	Scott Radach	Director, Finance Department
	Kenneth Petr	Director, Planning and Zoning
	Ted B. Dodd	Director, Public Works

VISITORS:	David Anderson	Ron Boyd
	John Ray	Ron Love
	April Gibbs	Amanda Green
	Tiffany Newcomb	Rick Mendoza
	Sherri Rodela	Al Rodela
	Kent Akins	Celia Sisson
	Hank Love	Pat Love
	Beverly Benton	Brandon Gibbs
	Meryl Barnett	

NEWS MEDIA: Michelle Berry

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

Mrs. April Gibbs addressed the Council about the new synthetic drug K-2. She reported that there is nothing natural about this drug it is sprayed with all kinds of chemicals and the chemicals are never measured. Mrs. Gibbs asked the Council to help get this drug banned from

our city.

Council Member Callahan explained that the City laws cannot go against federal regulations. She also stated that we are going to try to find a solution it will just take time. Council Member Callahan expressed that she is working with law enforcement to come up with a solution.

MINUTES APPROVED: Following review of the minutes of the regular meeting of January 15, 2013 and the work session of January 29, 2013 motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the minutes as submitted. The motion carried by the following:

Ayes: All members present voted aye.
Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of January 2013 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member's Dickson, to approve payment of the expenditures for the last half of January 2013 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

FEBRUARY 19, 2013 CITY COUNCIL MEETING CANCELED: City Manager Eddie Edwards explained to the Council that the second regular scheduled meeting for February would fall during the time of Panhandle Days in Austin and offered them an opportunity to reschedule or cancel the meeting. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member's Gillingham and Callahan to cancel the meeting of February 19, 2013 and resume regularly scheduled meetings on March 5, 2013. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

ORDER AND NOTICE FOR GENERAL ELECTION OF OFFICERS TO BE HELD ON MARCH 11, 2013, RESOLUTION R-001-13 ORDERING REGULAR GENERAL CITY ELECTION, AND JOINT ELECTION AGREEMENT BETWEEN THE CITY OF BORGER, BORGER INDEPENDENT SCHOOL DISTRICT, AND THE HUTCHINSON COUNTY HOSPITAL DISTRICT APPROVED: City Secretary Stella E. Sauls submitted the following items for consideration by the Council:

- a. An order to call a Regular General City Election.
- b. A notice of Election to be conducted on May 11, 2013.
- c. Resolution R-001-13 ordering a Regular General City Election to be held on the 11th day May 2013, providing details for the holding of an election for two (2) members of the Borger City Council.

- d. A Joint Election Agreement between the City of Borger, Borger Independent School District, and Hutchinson County Hospital District.

Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve the Order and Notice of Election, Resolution R-001-13 calling the 2013 General City Election, and the Joint Election Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Resolution R-001-13 reads as follows:

RESOLUTION R-001-13

A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 11TH DAY OF MAY, 2013; DESIGNATING POLLING PLACES; DIRECTING THE GIVING OF NOTICE TO SUCH ELECTION; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

Section 1:

It is hereby ordered that a Regular General Election be held in the City of Borger the second Saturday in May, the 11th day of May, 2013, at which election the following officers shall be elected by the qualified voters of the City:

One (1) Council Member, at large, Place Four (4)
and
One (1) Council Member, at large, Place Five (5)

Section 2:

Certain county voting precincts shall be combined constituting three election voting places for the purposes of such election, and shall be as follows:

County voting precincts 33 and 42 (City Polling Place No. 1) shall vote at the Paul Belton Early Childhood Center, 800 N. McGee.

County voting precinct 11 (City Polling Place No. 2) shall vote at the Borger Middle School, 1200 S. Florida.

County voting precincts 14 & 23 (City Polling Place No. 3) shall vote at the Fairlanes Baptist Church, 3000 Fairlanes Boulevard.

The City Secretary, upon selection of judges, is here by authorized and directed to provide a copy of the Resolution of the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

The Judges shall have the authority to appoint no more than ten (10) clerks to assist in the holding of such

election, but in no event shall the Judge appoint less than two clerks.

The Judges shall be compensated at the hourly rate of \$12, and Clerks shall be compensated at an hourly rate of \$10 as provided by Title 3, Section 32.091(a) of the State Election Code. The Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code.

Section 3:

The appointment of a Judge and deputy or clerks for early voting shall be made by the City Secretary in accordance with Section 83.001 et seq. of the Texas Election Code. The place designated as:

City Hall
City of Borger
600 North Main Street
Borger, Texas 79007

Said judge and clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m. on each day for early voting which is not a Saturday, a Sunday, or an official state holiday. As required under Section 85.005(d). Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours; in two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Monday, May 6, 2013 and Tuesday May 7, 2013.

Said judge and clerk shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerks mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 4:

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and Paper Ballots and Hart InterCivic eSlate Voting Stations, Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on Election Day. The City Council hereby adopts for use in early and Election Day voting the Hart InterCivic eSlate Ballot Stations, Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All city expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials is here by authorized.

Section 5:

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 6:

Notice of the election shall be given in accordance with the provisions of the Texas Election code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and

writs for such election, and returns of such election shall be made to the City Secretary after the closing of the polls.

Section 7:

Said election shall be held in accordance with Texas Election Code and Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED and RESOLVED this 5th day of February 2013.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property owner has signed an Operation Facelift Contract and paid the predetermined \$1,500.00 fee. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the Operation Facelift contract between Mr. Morgan and the City of Borger for the removal of structures at 1011 Thrams, (Lot 5, Block 33, Gateway Heights Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REZONING REQUEST RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr presented a recommendation from the Planning and Zoning Commission on a rezoning request submitted by Mr. Earl Owens and Mr. Bob Crump to rezone Lots 23-30, Block 58, Original Townsite Addition, from Retail (R) and General Residence (GR) Zoning Districts to a Commercial (C) Zoning District. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to receive the Planning and Zoning Commission’s recommendation, and schedule a public hearing for March 5, 2013, to hear citizen comments. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RACIAL PROFILING REPORT RECEIVED FROM CITY OF BORGER POLICE DEPARTMENT: Lt. Anthony Griffin stated this report has to be sent in to the State and TCLOS by March. Lt. Griffin also stated that every effort is made to ensure our officers do not racial profile. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to accept the 2013 Borger Police Department Racial Profiling Report as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-002-13 AUTHORIZING THE SUBMISSION OF GRANT APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR’S OFFICE LOCAL – JUVENILE JUSTICE & DELIQUENCY PREVENTION GRANT APPROVED: Lt. Anthony Griffin explained to the Council that this Grant is a step down grant

and the City could possibly receive \$11,520.00 for the year. This is the last year the City would be eligible to receive funding under this Grant unless it changes next year. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve Resolution R-002-13, authorizing the submission of a grant application to the Criminal Justice Division of the Governor's Office Local – Juvenile Justice & Delinquency Preventions Grant (SRO). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-003-13 reads as follows:

RESOLUTION R-002-13

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A FY 2014 GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) AND DESIGNATING THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CJD GRANT PROGRAM

WHEREAS, the City of Borger has participated in the development of a FY 2014 Community Plan which identified the priority needs, available resources, and related gaps in service within the Criminal Justice infrastructure of the area served by the City of Borger; and,

WHEREAS, the need to address juvenile crime was identified as a priority need within the Community Plan; and,

WHEREAS, the City of Borger desires to address this need(s) by continuing to support programs known as the Borger High School Resource Officer Program and the Borger Middle School Resource Officer Program; and,

WHEREAS, the City of Borger agrees to provide applicable matching funds for the said project as required by the CJD Grant Application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. **THAT** an FY 2014 CJD Grant Application is hereby authorized to be filed on behalf of the City of Borger with the Governor's Criminal Justice Division.
2. **THAT** the application be for funds to provide continued support for the Borger High School Resource Officer Program and the Borger Middle School Resource Officer Program being operated with the Borger Independent School District.
3. **THAT** the Borger City Council directs and designates the Lt. Anthony Griffin as the City of Borger's authorized official and that he be given the power to apply for, accept, reject, alter or terminate the Grant on behalf of the City of Borger.

4. **THAT** in the event of loss or misuse of CJD funds, the governing body assures that funds will be returned to CJD in full.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of February, 2013, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

WATER & WASTEWATER COST OF SERVICE STUDY APPROVED: City Manager Eddie Edwards explained it has been approximately 16 years since the last study. He stated that the proposed cost for the study would be \$60,000 to \$ 67,000 and will tell us where we are with the cost of our water, what we need to do the maintain strong financial backing from this point forward, and help us negotiate with industry should we have to make a very large investment to our water system. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to authorize the Water and Wastewater Cost of Service Study as proposed by the SAIC Energy and Environment Infrastructure LLC in the amount not to exceed \$67,500.00. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

RESOLUTION R-003-13, SUPPORTING THE LEGISLATIVE ACTIVITIES AND GOALS OF THE ALLIANCE OF XCEL MUNICIPALITIES AS THEY RELATE TO THE JURISDICTION FOR THE SETTING OF RATES AND REGULATION OF ELECTRIC UTILITIES APPROVED: City Manager Eddie Edwards explained that this Resolution lobbies against anything that strips local control of gas and electric rates from cities. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve Resolution R-003-13, supporting the legislative activities and goals of the Alliance of Xcel Municipalities as they relate to the jurisdiction for the setting of rates and regulation of electric utilities. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Resolution R-003-13 reads as follows:

RESOLUTION R-003-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SUPPORTING THE LEGISLATIVE ACTIVITY AND GOALS OF THE ALLIANCE OF XCEL MUNICIPALITIES (AXM) BEFORE THE TEXAS LEGISLATURE AS THEY RELATE TO JURISDICTION FOR THE SETTING OF ELECTRIC UTILITY RATES AND REGULATION OF ELECTRIC UTILITIES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS

RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Borger, Texas, hereinafter referred to as “City,” is a member of Alliance of Xcel Municipalities (“AXM”); and,

WHEREAS, AXM has participated in numerous electric utility ratemaking proceedings before the Public Utility Commission of Texas; and,

WHEREAS, during the 83rd Regular Session of the Texas Legislature the Legislature may consider legislation that affects the manner in which electric utility rates are determined and the regulatory body that will have jurisdiction to set electric utility rates; and,

WHEREAS, the Legislature may consider major changes with regard to the jurisdiction, structure, and operations of the Public Utility Commission of Texas, including amending, altering or eliminating laws which affect utility ratemaking, including a city’s original jurisdiction over electric utility rates; and,

WHEREAS, the City supports AXM’s participation in and during the 83rd Texas Legislature in order to improve regulatory decision-making in electric utility ratemaking proceedings both before the City and before any state agency that is authorized to regulate electric utilities and including the setting of rates that affect ratepayers within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City directs AXM to oppose legislation that allows for:

- Rate increases based upon a formula or pre-set criteria.
- The elimination or reduction in the ability of incorporated municipalities to participate in the rate-setting process.
- The elimination or reduction in the ability of incorporated municipalities to exercise original jurisdiction to set rates.
- The setting of rates that separate the connection between the utility’s revenue and the sales of electricity.
- A process for the setting of rates that does not permit a complete and thorough review of capital expenditures or operating expenses by electric utilities.

Section 3. The City directs AXM to support legislation that allows for:

- The continuation of original jurisdiction by municipalities over electric utility ratemaking.
- The continuation of municipalities to be able to fully participate in ratemaking proceedings regarding electric utility rates.
- The designing of rates that encourage the wise and efficient use of electric utility service.

Section 4. The City authorizes the AXM Steering Committee to hire and direct legislative advocates acting on its behalf in and during the 83rd Regular Session of the Texas Legislature.

Section 5. That a copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701, in his role as Special Counsel to AXM.

Section 6. That the meeting at which this Resolution was adopted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of February, 2013, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

RESOLUTION R-004-13, ESTABLISHING THE BORGER EVENTS CENTER BOARD, ADOPTING A CHARTER, AND APPOINTING BOARD MEMBERS

APPROVED: City Manager Eddie Edwards explained the revisions to the Charter submitted by the Borger Events Center Committee. Council Member Vinyard explained that this is part of the requirement of the Amarillo Area Foundation. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve Resolution R-004-13 establishing the Borger Events Center Board, adopting a Charter, and appointing board members. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Resolution R-004-13 reads as follows:

RESOLUTION R-004-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, ESTABLISHING THE BORGER EVENTS CENTER BOARD; APPROVING A CHARTER GOVERNING THE BORGER EVENTS CENTER BOARD; APPOINTING MEMBERS TO THE BORGER EVENTS CENTER BOARD; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Borger, Texas, hereinafter referred to as “City,” proposes to establish the Borger Events Center Board, hereinafter referred to as “Board” for the purpose of promoting the construction of a Multi-Purpose Events Center in the City of Borger; and,

WHEREAS, the City Council deems it necessary and appropriate to adopt and approve a Charter for the purposes of setting forth the operational structure of the Board, and generally providing for the governance of its activities, and,

WHEREAS, pursuant to the Borger Events Center Charter, nine (9) Board members need to be appointed to initial terms on the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

Section 1.

THAT, the Board be established for the purpose of promoting the construction of a Multi-Purpose Events Center to Borger, Texas.

Section 2.

THAT, the Charter of the Borger Events Center Board (attached hereto as “Exhibit A”), setting forth the operational structure and generally providing for the governance of the Board’s activities, be adopted and approved.

Section 3.

THAT, Robert Vinyard is hereby appointed to the Borger Events Center Board as a representative from the City of Borger, for an initial term beginning on February 1, 2013, and ending on January 31, 2016.

THAT, Jerry Hefner is hereby appointed to the Borger Events Center Board as a representative from the Hutchinson County Commissioners Court, for an initial term beginning on February 1, 2013, and ending on January 31, 2015.

THAT, Leon Roberts is hereby appointed to the Borger Events Center Board as a representative from the Borger Economic Development Corporation, for an initial term beginning on February 1, 2013, and ending on January 31, 2014.

THAT, Beverly Benton is hereby appointed to the Borger Events Center Board as a representative from the Borger Chamber of Commerce, for an initial term beginning on February 1, 2013, and ending on January 31, 2016.

THAT, Mark Mitchell is hereby appointed to the Borger Events Center Board as a member-at-large, for an initial term beginning on February 1, 2013, and ending on January 31, 2015.

THAT, Jud Hicks is hereby appointed to the Borger Events Center Board as a member-at-large, for an initial term beginning on February 1, 2013, and ending on January 31, 2014.

THAT, Patty Kasch is hereby appointed to the Borger Events Center Board as a member-at-large, for an initial term beginning on February 1, 2013, and ending on January 31, 2016.

THAT, Shawna Lamb is hereby appointed to the Borger Events Center Board as a member-at-large, for an initial term beginning on February 1, 2013, and ending on January 31, 2015.

THAT, _____ is hereby appointed to the Borger Events Center Board as a member at-large for an initial term beginning on February 1, 2013, and ending on January 31, 2014.

THAT, the subsequent member terms shall be three years, in accordance with the Charter, such that every member serves a staggered three-year term.

Section 4.

THAT, the meeting at which this Resolution was adopted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5.

THAT, this Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of February, 2013, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

Exhibit “A”

CHARTER

BORGER EVENT CENTER BOARD

Establishment and Authority:

The Borger Event Center Board is a board established by the City of Borger.

Purpose/Responsibilities:

The purpose of the Board is to promote the construction of a Multi-Purpose Events Center in Borger, Texas, which will act as an economic generator and public resource for the local community, as well as be a welcoming center for tourist and tourism events in order to represent Borger as a progressive, action-oriented community.

The Board Shall:

- Work toward raising funds for the construction of said Center.
- Consult with City of Borger to ensure that construction of the Center is in compliance with the recommended architectural plans.
- Establish policy to govern the fee management of the Center.
- Participate with the City of Borger on the selection of a general manager for the Center.
- Serve in an advisory capacity to the general manager for logistical, marketing, maintenance, and conflict resolution issues as they relate to serving groups utilizing the Center.
- Perform such other functions as may be needed from time to time to maintain efficient functioning of the Center.
- Oversee the collection and disbursement of funds for the Center.

Board Composition and Governance:

Membership

- a. The Board shall contain nine members, and shall be composed as follows: a member of each of the City Council, Hutchinson County Commissioner Court, Borger Chamber of Commerce, Borger Economic Development Corporation, and five (5) members at large, including representation from the retail, service, and industry sector. In addition to these nine members, there shall also be two ex-officio members from the City of Borger who will serve in advisory capacity and without a vote on said Board.
- b. The members of the Borger Event Center Board shall be appointed by the City Council, with recommendations made by the Event Center Board, and shall serve staggered terms of three years. A

member may only serve two (2) three (3) year term limits consecutively. Members may be reconsidered for the Board after a one year absence.

- c. If any member of the Board shall fail to attend three (3) successive meetings, the chairman of the Board shall, in writing, call such failure to his/her attention, and if a satisfactory excuse is not received within 30 days, that individual shall cease to be a member of the Borger Event Center Board. The vacancy may be filled by a person appointed by the City Council for the remainder of the unexpired term.

Leadership/Quorum/Meetings

- a. The Borger Event Center Board shall vote upon a Chairman and Vice-Chairman annually. The elected Chairman shall appoint a Secretary. The Vice-Chairman shall perform the duties of the Chairman in the Chairman's absence or in the event of a vacancy in the office of Chairman.
- b. The Secretary shall prepare minutes of the Borger Event Center Board meetings for approval. The minutes shall be recorded and filed at City Hall or other designated location for permanent record.
- c. The Board shall determine the time and place of its meetings, and shall meet at least once per quarter.
- d. A quorum for conducting business or taking action will consist of five (5) voting board members.
- e. Meetings of the Board shall be in person, and in accordance with the Texas Open Meetings Act.
- f. The Chairman or designee shall provide email notice of the time and place of all meetings of the Board to each member of the Board no later than three days prior to the meeting, together with an agenda of the items for which action may be taken; and shall post the agenda in accordance with the Texas Open Meetings Act.

Reporting:

The Board shall report to the City Council of the City of Borger on its activities and any recommendations on a schedule, as requested by the Council.

Review and Changes to the Charter:

The Board shall review this Charter on an annual basis and recommend any proposed changes to the City Council of City of Borger.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of February, 2013, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

ORDINANCE O-003-13, SOLICITOR-PEDDLERS DISCUSSED: City Manager Eddie Edwards and Council Members discussed the changes to the Solicitor-Peddler Ordinance. There was no action taken.

MEETING ADJOURNED: There being no further business, motion was made by Council

Member Callahan, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary