



450 Thunder Head Lane • P.O. Box 1150 • Annetta, Texas 76008 • (817) 441-5770

City Council Meeting Minutes

The City Council of Annetta met in a regularly scheduled meeting via videoconference on Thursday, January 21, 2021, at 7:00 p.m. in the Annetta Town Hall at 450 Thunder Head Lane to consider the following agenda:

Dustin Schmitt hosted the WebEx and gave an introduction and instructions to the panelists and attendees.

- I. **Call to order.** Mayor Bruce Pinckard called the meeting to order at 7:02 p.m.
- II. **Pledge of Allegiance/Invocation of Prayer.** Council Member Sandy Roberts led the pledge and Mayor Bruce Pinckard gave the invocation.
- III. **Roll call/Quorum check.** A quorum check revealed that Mayor Pinckard and Council Members Kent Stasey, Jim Causey (via WebEx), Danny Coffman (via WebEx), Shane Mudge and Sandy Roberts were all present. Also present was Jamee Long, City Secretary. Mayor Pinckard encouraged attendees to call in so their comments could be recorded in the minutes.
- IV. **Public Comments:** Citizen, Kristi Turner, read her public comments regarding a possible sidewalk on Thunder Head Lane. Council Member Coffman stated that it appeared that Mike Brasovan had a comment. Mayor Pinckard again encouraged citizens to call into the meeting. Citizen, Mike Brasovan, stated that he is President of Thigbe LLC and he shared a presentation on electronic delivery options. Mayor Pinckard stated that since this item is not on the agenda, it cannot be discussed.
- V. **Consent Items: Reports from City Staff and Commissions or Committees:**
 - a. Consider the approval of Minutes from the Regular City Council Meeting on December 17, 2020.
 - b. Financial Report.
 - c. Public Works Report.

Council Member Mudge moved to accept all consent items, Council Member Roberts seconded the motion, with all aye. Motion passed unanimously.

VI. **New Business:**

- a. **Discussion and Action:** Consider an ordinance establishing standards and procedures for determining vested right status. Council Member Stasey moved to open this item up for discussion, Council Member Coffman seconded the motion. Mayor Pinckard stated this ordinance is needed to establish a timeline for considering plats as they relate to completeness. He summarized the ordinance and stated that the ordinance has been reviewed by the Town's attorney and city planner. Council Member Causey asked for the source of the proposed document. Mayor Pinckard stated the ordinance has been recommended by the Town's attorney in conjunction with Craig Farmer, the city planner. Council Member Stasey stated that the ordinance would make sure the standards of today are kept and going forward. Mayor Pinckard stated "that is correct" and that the ordinance establishes a timeline and the completeness of the submitted plat. Council Member Stasey moved to approve and authorize the Mayor to execute an ordinance establishing standards and procedures for determining vested right status, Council Member Coffman seconded the motion, with all aye. Motion passed unanimously.
- b. **Discussion:** Discuss purchasing electronic communication devices for elected officials to replace the use of their personal devices for conducting town business. Mayor Pinckard stated that Alicia Kreh with TOASE is joining the meeting via WebEx. Mayor Pinckard read an email from TML regarding the use of personal devices for conducting town business. He stated that this item is necessary due to numerous FOIA requests lately and statements by citizens wanting direct access to City Council Members. Mayor Pinckard stated that this is a liability issue for the Town and discussion is needed. He stated that he has used his personal device which has "saved the Town many dollars." Mayor Pinckard stated that all city business should to be sent to the Town via info@annettatx.gov. He stated that this is the safest way for us to operate. Mayor Pinckard discussed Local Government Code 552 and stated that city officials may choose to use personal devices but should know the risks. He stated that all records need to be kept with the Town for accurate information and statements. The Mayor stated that this is all public information and should be preserved for the public. Ms. Kreh discussed the Public Information Act and stated that any city officer or staff that uses personal devices becomes the temporary custodian of those municipal records. She stated that as a temporary custodian, you are obligated to maintain those records under the appropriate records retention period and are also obligated to comply with any Public Information Act requests for those records, as long as they are "only stored by you." Ms. Kreh stated that any communications that are forwarded to the City Secretary are no longer only in your possession and would protect you from an open records request on your personal device. Ms. Turner asked if they could get Town email addresses and use the "laptops used for WebEx meetings." Mayor Pinckard stated that the Town did not buy laptops and the devices used for WebEx are Chromebooks. He stated the Chromebooks are kept at Town Hall or are checked out when a member needs to attend a meeting virtually. Mayor Pinckard discussed multiple scenarios as to why all open records requests need to go through Town Hall. Council Member Causey asked that if he had a Town device, would this eliminate the possibility of a FOIA request for his personal device. Mayor Pinckard stated that the simplest way would be to funnel everything through the Town. Council Member Causey asked if an email was sent to his personal device and he forwarded it to the city, would this eliminate his personal device being requested under FOIA. Mayor Pinckard stated that all emails related to city business should be forwarded to the city. Jim Causey asked if he forwards the email to the city secretary, does that "shelter my device from a FOIA request." Ms. Kreh stated that if you get in the habit of forwarding those emails to the city secretary, you would no longer need to maintain the records. She stated that if a request comes in for all communication between you and another party, you would still be asked to review your personal device. Ms. Kreh stated that if there is litigation regarding an issue and if it is decided that you have used your personal device for city business, it could be subpoenaed as evidence. Mayor Pinckard stated that this is not an action item but that he wanted to make sure everyone understands the process of the records retention policy. The

Mayor suggested that everyone tell citizens with inquiries about city business to contact Town Hall. Council Member Stasey asked Ms. Kreh if she could define "city business." Ms. Kreh stated that the Public Information Act is extremely broad and that essentially any communication regarding the city made by an employee or member including phone, text or email is considered "city business." Council Member Roberts stated that even if members have a city email address and the new address was added to a personal device, the device could still be subpoenaed. She stated that all communications should be routed through Town Hall. Mayor Pinckard discussed possible training on the Public Information Act and open records requests for compliance with the law. The Mayor asked for anyone interested in such training to contact the Town at info@annettatx.gov. He stated that the Town is receiving a large number of FOIA requests and reminded requestors that their requests are also subject to FOIA.

VII. Old Business:

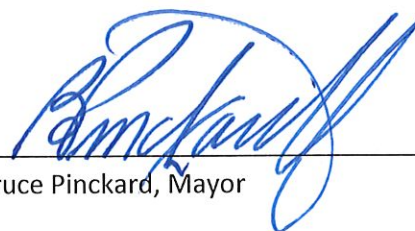
VIII. Items of Community Interest. Mayor Pinckard congratulated the Aledo Bearcats for winning their 10th state championship in football. Council Member Roberts stated that the 2020 Landry Award has "Jojo" as a possible recipient and requested everyone to vote for "one of our own."

IX. Adjournment: With no further business before the council, the Mayor adjourned the meeting at 7:55 p.m.

These minutes were approved on the 18th day of February, 2021.



Jamee Long, City Secretary



Bruce Pinckard, Mayor