

CITY OF ABERNATHY

The City Council for the City of Abernathy met in a Called Meeting on Monday, September 12th, 2022, at 6:30 P.M. in the City Hall building at 811 Ave D. Members present were Mayor Ron Johnson, Gary Stone, Eva Cortez, Jared Shannon, Bilinda Prater, and Matt Riley. Also present were City Staff including Delano Smith, Ricky Patterson, Desiree Stephenson, Krista Adames, Dwain Read, Nadia Micheletti, and Luis Hernandez. Members of the public are on the attached sign in sheet.

MINUTES

1. Call to Order
Mayor Johnson called the meeting to order.
2. Roll Call of Council Members
Members present were Mayor Ron Johnson, Gary Stone, Eva Cortez, Jared Shannon, Bilinda Prater, and Matt Riley.
3. Welcome Guests
Mayor Johnson welcomed the guest.
4. Invocation
Councilwoman Prater gave the invocation.
5. Pledge of Allegiance to the American Flag
Mayor Johnson led the Pledge of Allegiance to the American Flag.
6. Texas Pledge
Councilman Shannon led the Texas Pledge
7. Discussion/Action Items
 - a. Review and Adopt the Proposed Tax Rate of 0.529314 for Fiscal Year 2022
Councilman Riley made a motion to adopt the Proposed tax rate of 0.529314/\$100 for the FY 2022. Councilman Shannon seconded the vote. The motion passed with a vote of 5/0. With Councilman Riley - Aye, Councilman Shannon - Aye, Councilman Stone- Aye, Councilwoman Prater- Aye, and Councilwoman Cortez- Aye.
8. Conduct Public Hearing for:
 - a. Proposed Fiscal Year 2022 – 2023 Budget
Mike Cypert resident of Abernathy has issues with the taxing and budget process that he believes are germane to this fiscal budget that is being looked at. 1st item Mr. Cypert mentioned was item 7 on the agenda: To propose a tax rate, local government code sec 102.003 requires a budget to include the tax rate before being adopted. He encouraged council to look at that and re-address that after the budget hearing. He made comments related to such matters; 1. multiple errors and omission on the 2020 and 2021 forms and an election should have been held. 2. since there was not an election the voters of the taxing unit shall refund the difference between the amount taxes paid and the amount due under the voter approved tax rate. 3. The city did not have a quorum to adopt the tax rate. 4. This year's budget is not a complete budget or transparent. He

suggested to have the city manager to refile the budget with the required data and reschedule another budget hearing with the required data so that the taxpayers of this city see exactly what they are facing. He asked that the council not do things wrong and to follow the law and stated council is legally obligated to ensure the refund happens. And lastly, he would like council to refile a complete budget and fix the things that have happened in the past.

Bill Atchley resident of Abernathy stated the same concerns as Mike Cypert related to issues on the taxing and budget process. He stated that due to the errors and omissions on the previous forms and no election being held the tax collected has to be returned to the taxpayers. Mr. Atchley cited the state constitution and statutes and suggested a remedy to resolve said issues. One being budget cuts and the other being restitution by Mayor Johnson for the sewer line and 5 sewer taps the city installed at Mayor Johnsons property. Mr. Atchley proposed to the city council the following action steps; 1. Line item needs to be added to the budget counting for the repayment of sewer line and 5 sewer taps installed on the mayor's personal property back to the city or refund those citizens that have paid these types of expenses in the past or face possible litigations. 2. If the mayor does not willingly reimburse the taxpayers for the expense mentioned - the council will need to file a lawsuit to obtain reimbursement of \$70,900.00. This will mark the second time the council will have to file a lawsuit against Mr. Johnson regarding this particular piece of property, since he has become an elected official. 3. The council will need to also consider a lien against said property and potential seizure against said property if the funds are not paid back to the taxpayers. 4. The council should for the appearance of integrity and full disclosure to the citizens of Abernathy consider removal of the Mayor as the City's financial officer. 5. Immediately refund all taxes collected in violation of the state constitution and statutes.

- b. 1st Public Reading of Ordinance regarding New Water Rates
City Manager Delano Smith presented the 1st public reading of the Ordinance regarding new water rates.

9. Adjournment

Councilman Stone made a motion to adjourn at 7:15 P.M. Councilman Riley seconded the motion. The motion passed with a vote of 5/0.

Mayor Ron Johnson

ATTEST

Krista Adames, City Secretary