

MINUTES, DECEMBER 12, 2016; 4:00 PM
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas

I. ROLL CALL

Attendees: B. Sparks, D. Deleranko, F. Trapasso, B. Regan, R. Nichols, J. Merritt, G. Maxton, D. Pearson, T. Jaster, and J. McConnell.

Absent: C. Fothergill

With a quorum present, President Nichols opened the meeting at 4:00 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

S. Hartpence, citizen addressed the Commission and brought to their attention several areas of concern in the Charter as currently written including Section 2.02 - Extension of Boundaries – Annexation, Section 6.06 - Calling of Recall Election, Section 6.09 - Recall Restrictions as well as draft charter “roll out plan” to citizens for input prior to submitting to City Council. Commission discussed each area of concern.

III. CONSENT AGENDA

A. November 7, 2016 Home Rule Charter Commission Meeting Minutes were approved as amended by Commission Consensus.

B. November 21, 2016 Home Rule Charter Commission Meeting Minutes were approved as amended by Commission Consensus.

IV. CONSIDERATION/DISCUSSION ITEMS

Commission Member, B. Sparks provided comments and thoughts on the Home Rule Charter creation process – provided as Attachment A.

City Attorney Zech requested that the Commission review and approve changes made to Charter based on previous discussions.

1. Section 3.01 A – Number, Selection, and Term

“In year one the Mayor and Council Place One shall be elected to their respective terms, in year two Council Places Three, Four and Five shall be elected to their respective terms and ~~Each~~ in year three ~~two~~ Council Places Two and Six shall be elected for their respective terms except as set forth in the transitional provisions hereinafter provide for in Section 8.05 of this Charter set forth.

Approved by Commission Consensus as follows: *“In year one, **which shall be the year 2021**, the Mayor and Council Place One shall be elected to their respective terms, in year two Council Places Three, Four and Five shall be elected to their respective terms and ~~Each~~ in year three ~~two~~ Council Places Two and Six shall be elected for their respective terms except as set forth in the transitional provisions hereinafter provide(**d**) for in Section 8.05 of this Charter set forth.*

2. Section 3.09 D – Vacancies; Forfeiture of Office; Filling of Vacancies

Commission had noticed at the November 21, 2016 meeting that this section was not included in the Charter. After review the City Attorney confirmed it had been accidentally omitted and is being reinserted as follows:

Filling Vacancies. In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council position, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacant City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion, leave the position vacant, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy. ~~All vacancies shall be filled pursuant to state law.~~

Approved by Commission Consensus.

3. Section 6.04 – Requirements specific to Petitions for Recall
30% changed to 25%.

Approved by Commission Consensus.

4. Section 6.10 A – Initiative; Requirements specific to Petition for Initiative; Procedure.
20% changed to 15%.

Approved by Commission Consensus.

5. 6.11 A – Referendum; Requirements specific to Petition for Referendum; Procedure;
Effect Prior to Election.
20% changed to 15%.

Approved by Commission Consensus.

6. Section 8.05 – Staggered Elections.

City Attorney requested that the Commission provide the missing details of the following:

2017- Within (??) days of the adoption of this Charter the City Council shall appoint an individual to fill the vacant Place Six.

Discussion ensued as to the process of adopting the Charter. The following language was approved by Commission Consensus.

Within a reasonable period of time of the adoption of this Charter the City Council shall appoint an individual to fill the vacant Place Six.

7. Section 7.14 A – Planning and Zoning Commission
B. Regan recommended capitalizing Comprehensive Plan

Approved by Commission Consensus.

8. City Secretary Picioccio voiced concerns regarding the current Charter language that the City Secretary would be hired and fired by City Council, yet report administratively to City Manager. She requested that the Commission reconsider having the City Secretary be hired and fired by the City Manager like all other positions.

Discussion ensued.

Main Motion: Made by B. Regan, seconded by T. Jaster to have City Secretary report, be hired and fired by the City Manager.

Amended Motion: Made by T. Jaster, seconded by J. Merritt to strike Section 5.04 – City Secretary completely.

Amended Vote: 6-4, Motion Failed (D. Deleranko, J. McConnell, B. Sparks, and F. Trapasso dissenting).

Main Motion Vote: None taken.

A. Review, consideration and possible action on previously approved charter provision and transitional provisions.

J. McConnell submitted language for proposed changes to the following Charter sections:

1. Recommendation of addition of Section 3.04 E and changes to 5.01 C 14:
The Mayor is jointly responsible with the City Manager for the coordination of City communication with the public and the news media including outreach initiatives to the citizens and general public through various media venues.

Motion: Made by J. McConnell, seconded by J. Merritt to adopt 3.04 as written and modify Section 5.01 C.

Vote: 8-2, Motion Passed (B. Regan dissenting, J. Merritt abstaining).

2. Recommendation to add the following language in Section 5.01 C 17:

The City Manager may appoint, suspend or remove any City employee except as otherwise provided by this Charter ***or as otherwise designated by majority vote of the City Council.*** The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.

Motion: Made by J. McConnell, seconded by F. Trapasso approve amendment as written.

Vote: 3-7, Motion Failed (D. Deleranko, T. Jaster, G. Maxton, J. Merritt, R. Nichols, D. Pearson, and B. Regan dissenting).

3. Recommendation to add the following language in Section 5.01 C 18:

The City Manager shall direct and supervise the administration of all departments, officers, and agencies of the City except as otherwise provided by this Charter ***or as otherwise designated by majority vote of the City Council***, or by law.

Motion: Made by J. McConnell, seconded by F. Trapasso to adopt added language.

Vote: 2-8, Motion Failed (D. Deleranko, T. Jaster, G. Maxton, J. Merritt, R. Nichols, D. Pearson, B. Regan, and B. Sparks dissenting).

4. Recommendation to create a Public Utilities Commission with the addition of Section 7.16:

Section 7.16 – Public Utilities Commission.

Consistent with all applicable Federal and State laws with respect to water supplies and use, wastewater treatment and environmental protection, the City Council shall:

- 1. Establish a Public Utilities Commission to investigate and review the City's water supplies and wastewater capacity and such utility planning responsibilities as may be specified in this Charter and by ordinance;***
- 2. The Public Utilities Commission shall have the following planning responsibilities:***
 - a. Make recommendations to Council on utilities requirements and capacities in the City's comprehensive plan; and***
 - b. Make recommendations to City Council on water use restrictions, anticipated water supply requirements, updating and testing of existing water supplies, anticipated wastewater treatment capacity, condition of existing wastewater treatment capacity and any environmental impacts of the City Utilities; and***
 - c. Hold a minimum of two public hearings on any proposed developments requiring use of City's Utilities, and make recommendations to City Council on their approval.***

Motion: Made by J. McConnell, seconded by F. Trapasso to add language to the Charter - Section 7.16 establishing a Public Utilities Commission.

Vote: 4-6, Motion Failed (D. Deleranko, T. Jaster, G. Maxton, J. Merritt, D. Pearson, and B. Regan dissenting).

C. Review, consideration and possible action on Charter Preamble.

After discussion, the proposed Charter Preamble was approved as follows: "We, the citizens of the City of Fair Oaks Ranch, Texas, in order to establish a Home Rule municipal government, provide for the future growth and social progress of our city, insure justice and domestic tranquility as well as promote the general welfare by adopting more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the Constitution and Statutes of the State of Texas, **and do hereby declare the residents of the said City**, living within the legally established boundaries of said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the City of Fair Oaks Ranch with such powers, rights and duties as are herein provided".

Approved by Commission Consensus.

D. Discussion and possible action on future meeting dates.

Upcoming Town Hall Meeting date to be determined at the next meeting planned for December 19, 2016 at 2:00 PM. President Nichols discussed plans for creating subcommittees to facilitate the next phase of the Home Rule Charter Commission to include messaging and notices to citizens.

V. ADJOURNMENT

President Nichols adjourned the meeting at 6:15 PM.



Rich Nichols, Commission President

ATTEST:



Christina Picioccio, City Secretary