



**CITY OF FAIR OAKS RANCH
HOME RULE CHARTER COMMISSION MEETING**

July 25, 2016; 2:00 p.m.

City Hall - Council Chambers

7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015

I. ROLL CALL

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Commission, please sign the Attendance Roster located on the table at the entrance of the meeting Chamber. In accordance with the Open Meetings Act, the Commission may not discuss or take action on any item which has not been posted on the agenda.

A. Citizens to be Heard

III. CONSENT AGENDA

All of the following items are considered to be routine, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Home Rule Commission Member by making such request prior to a motion and vote.

A. Approval of July 11, 2016 and July 18, 2016 Home Rule Charter Commission Meeting Minutes.

IV. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and action on a creating Home Rule Charter Commission Meeting Policies and Procedures.
- B. Review and provide any applicable guidance to City Attorney regarding proposed language for form of government and composition of City Council as approved by Commission.
- C. Consideration and possible action on City Council qualifications, and procedures of City Council, including quorum, voting, residence minimum age and another relevant qualifications and procedures; mayor pro-tem; term limits; filling vacancies; council meetings; duties, powers and authority of the Mayor; council pay

V. ADJOURNMENT

I, Priscilla Abrego, City Secretary, certify that the above Meeting Notice was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 5:00 p.m., July 21, 2016 and remained so posted continuously for at least 72 hours before said meeting was convened.

MINUTES, JULY 11, 2016; 1:00 P.M.
CITY OF FAIR OAKS RANCH
HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. WELCOME AND OPENING OF HOME RULE CHARTER COMMISSION BY FAIR OAKS RANCH MAYOR AND CITY ADMINISTRATOR

Mayor Manitzas welcomed and thanked the Home Rule Charter Commission members for their service/time and provided each member with a framed gift (Resolution 2016-11).

I. INTRODUCTION OF CHARTER COMMISSION MEMBERS

Attendees: Frank Trapasso, FOR resident of 14 years, Bill Sparks, FOR resident of 30 years, Dale Pearson, FOR resident of 8 years, Tom Jaster, FOR resident of 5 years., Conrad Fothergill, FOR resident of 21 years, David Deleranko, FOR resident of 12 years, John Merritt, FOR resident of 31 years, Laurence (Rich) Nichols, FOR resident of 31 years, James McConnell, FOR resident of 16 years, and Bill Regan, FOR resident of 8 years.

Absent: Greg Maxton, FOR resident.

II. PRESENTATION BY CITY ATTORNEY

Charlie Zech, City Attorney presented a PowerPoint presentation on Municipalities in Texas which detailed General Law type A versus Home Rule, Texas Home Rule Charters, Structure of the Government, Home Rule Status, Advantages of Home Rule Status, Vote of Charter, Texas Local Government Code Chapter 9, Powers of the City, Form of Government, Officers, Election Date, Elections, Qualifications of Office, Direct Democracy, General Provisions, Initiative/Referendum/Recall, and Process.

III. APPOINT CHAIR AND VICE-CHAIR

The members volunteered Laurence (Rich) Nichols as President and Frank Trapasso as Vice-Chair to the Home Rule Commission.

Motion: To approve appointing Laurence (Rich) Nichols as President and Frank Trapasso as Vice-Chair to the Home Rule Commission.

Vote: 10-0; Motion Passed

IV. DEVELOPMENT OF TIMELINE

The deadline to present the Charter to City Council is February 1, 2016.

V. SET MEETING DATES/TIME

The Commission discussed several date and time options deciding on weekly meetings to be held on Mondays from 2-4 p.m.

Motion: To approve weekly Monday meetings to be held from 2-4 p.m.

Vote: 10-0; Motion Passed

VI. CONSIDER AGENDA FOR FIRST MEETING

Charlie Zech, City Attorney, stated he will draft the first meeting agenda that will contain more items than they could possibly finish in one meeting.

VII. APPROVAL PROCESS

The Commission approved the following rules:

1. Six members must be present to constitute a quorum
2. An affirmative vote by eight members is required to approve a Charter item, and
3. An affirmative vote by nine members is required for final Charter approval for submission to the voters.

VIII. ADJOURNMENT

Rich Nichols, Home Rule Charter Commission President adjourned the meeting at 4:45 p.m.

Rich Nichols, Home Rule Charter Commission
President

ATTEST:

P. Abrego, City Secretary

MINUTES, JULY 18, 2016; 2:00 P.M.
CITY OF FAIR OAKS RANCH
HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL

Attendees: Greg Maxton, Bill Sparks, Dale Pearson, Tom Jaster, Conrad Fothergill, David Deleranko, John Merritt, Commission President Rich Nichols, James McConnell, and Bill Regan.
Absent: Frank Trapasso

II. CITIZENS/GUEST FORUM/PRESENTATION

- A. No citizens/guest requested to be heard.
- B. City Attorney Zech briefed the Commission on the requirements and compliance of the Texas Open Meetings Act. He noted emails, under the Public Information Act, are subject to release and because of such, he requested emails go through the City Secretary for dissemination.

III. CONSENT AGENDA

MOTION: Made by Sparks, seconded by Regan to amend the July 11 Commission minutes and to bring them back at the next meeting for approval.
DISCUSSION: Several members provided changes in their residency years. Sparks requested amending Section VII Approval Process to six members must be present to constitute a quorum, an affirmative vote by eight members is required to approve a Charter item, and an affirmative vote by nine members is required for final Charter approval for submission to the voters.
VOTE: 10-0; Motion Passed

IV. CONSIDERATION/DISCUSSION ITEMS

A. Discussion of creating a Home Rule Charter Commission calendar to track member attendance

Commission President Nichols requested members send the City Secretary their availability of dates so that a calendar can be created.

B. Discussion, consideration, and possible action on creating Home Rule Charter Commission meeting policies and procedures

Commission President Nichols handed out the Fair Oaks Ranch City Council Meeting Rules of Procedures and asked for consideration to adopt the same for the Commission. Members requested they be provided time to review and as such, delay consideration until next meeting.

C. Discussion, consideration, and possible action on the City of Fair Oaks Ranch form of government

A straw vote was taken with the results as follows: Mayor/Council – No; Commission – No; Council/Manager – Yes. City Attorney provided information on the Council/Manager form of government and noted later in the today's meeting the Mayor's powers will be discussed.

MOTION: Made by Regan, seconded by Sparks to approve the Council/Manager form of government.

DISCUSSION: Bill Sparks recommended the same wording used in the Cibolo Home Rule Charter be used for our Charter. A recommendation was also made for member's to review the City of Windcrest Home Rule Charter, a Council/Manager form of government, with strong powers retained by the Mayor.

VOTE: 10-0; Motion Passed

D. Discussion, consideration, and possible action on composition, qualifications, and procedures of the City Council

Members discussed the pros and cons of the number of Council seats, Mayor being a voting member of Council, Council candidates running for office "at large", "at large by place", or "by district", Council stagger terms, election of Mayor, and Council terms of office.

MOTION: Made by Sparks, seconded by Merritt to approve the Mayor being a voting member of Council.

VOTE: 9-1; Deleranko dissenting; Motion Passed

MOTION: Made by Sparks to approve adopting a 6 member City Council. Motion died due to lack of second.

MOTION: Made by Merritt, seconded by Deleranko to approve adopting a 7-member City Council.

VOTE: 8-2; Spark and McConnell dissenting; Motion Passed

MOTION: Made by McConnell, seconded by Merritt to approve electing City Council members at large, by place.

VOTE: 10-0; Motion Passed

MOTION: Made by Jaster, seconded by Merritt to approve 3 year City Council terms.

VOTE: 10-0; Motion Passed

MOTION: Made by Deleranko, seconded by Sparks to approve City Council stagger terms of 2, 2, and 3.

VOTE: 10-0; Motion Passed

MOTION: Made by Regan, seconded by Merritt to approve the Mayor to be elected by popular vote.

VOTE: 9-1; Sparks dissenting; Motion Passed

E. Discussion, consideration, and possible action on the duties, powers and authority of the Mayor

Commission requested City Staff send them a copy of the city ordinance dictating the duties of the city administrator. No further discussion or action was taken.

V. ADJOURNMENT

Rich Nichols, Home Rule Charter Commission President adjourned the meeting at 4:00 p.m.

Rich Nichols, Home Rule Charter Commission
President

ATTEST:

P. Abrego, City Secretary

Composition of City Council

Number, Selection, and Term.

The membership of City Council (members of City Council) shall be composed of the Mayor and six (6) Council Members. The Mayor and Council Members shall be elected from the City at large for three (3) year terms. Each Council Member shall occupy a place on the Council, such places being numbered 1 through 6. Each year two Council places shall be elected for their respective terms except as set forth in the transitional provisions hereinafter set forth.

Form of government

The municipal government provided for by this Charter shall be known as the "City Council-Manager" form of government. All powers of the City shall be vested in the Council, hereinafter referred to as the "City Council," and shall appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

The Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council and shall vote on all issues with the City Council.