



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

August 1, 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 Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. In accordance with the Open Meetings Act, Council 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 Committee Member by making such request prior to a motion and vote.

A. Approval of July 25, 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 approved by Commission at previous Commission meeting.
- C. Consideration and possible action on City Boundaries, general and specific powers of the City Council, powers of the Mayor, prohibitions on conduct and consequences for violation, quorum necessary for action and meetings, Council meeting requirements, City Council Procedures, City Council Compensation and creation of departments.

**V. ADJOURNMENT**

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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](http://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 28, 2016 and remained so posted continuously for at least 72 hours before said meeting was convened.

**MINUTES, JULY 25, 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: Frank Trapasso, Bill Sparks, Dale Pearson, Greg Maxton, Conrad Fothergill, David DeLeranko, Tom Jaster, John Merritt, Rich Nichols, and James McConnell.  
Absent: Bill Regan  
The meeting was called to order at 2:08 p.m.

**II. CITIZENS/GUEST FORUM/PRESENTATION**

No citizens/guest requested to be heard.

**III. CONSENT AGENDA**

MOTION: Made by Conrad Fothergill, seconded by David DeleRanko to approve the July 11, 2016 and July 18, 2016 Home Rule Charter Commission minutes.  
VOTE: 10-0; Motion Passed

**IV. CONSIDERATION/DISCUSSION ITEMS**

**A. Discussion, consideration, and possible action on creating Home Rule Charter Commission (HRCC) meeting policies and procedures**

HRCC members agreed new policies and procedures should be drafted that are specific to their needs. Carole Vanzant, Deputy City Administrator and Priscilla Abrego, City Secretary agreed to draft a sample for their consideration/ discussion at the next meeting.

MOTION: Made by James McConnell, seconded by Tom Jaster to approve using the City Council meeting Policies and Procedures.

VOTE: 1-9; Motion Failed (Naye Frank Trapasso, Bill Sparks, Dale Pearson, Greg Maxton, Conrad Fothergill, David DeLeranko, Tom Jaster, John Merritt, and James McConnell.)

**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.**

The HRCC discussed and reviewed the proposed language on the form of government, powers, and composition. All HRCC members were in agreement.

**C. Consideration, and possible action on City Council qualifications, and procedures of City Council, including quorum, voting, residence minimum age and other relevant qualifications and procedures; mayor pro-tem; term limits; filling vacancies; council meetings; duties, powers and authority of the Mayor; council pay.**

MOTION: Made by David DeleRanko, seconded by Bill Sparks to approve term limits.

VOTE: 8-2; Motion Passed (Naye Frank Trapasso and Tom Jaster)

MOTION: Made by John Merritt, seconded by David DeleRanko to include term limits into the body of the charter.  
VOTE: 8-2; Motion Passed (Naye Frank Trapasso and Tom Jaster)

MOTION: Made by Bill Sparks, seconded by John Merritt to approve different term limits for Councilmembers than the Mayor's position.  
VOTE: 10-0; Motion Passed

MOTION: Made by Bill Sparks, seconded by John Merritt to approve two consecutive (three year) terms, sit out one year, and then run for one more term.  
VOTE: 10-0; Motion Passed

MOTION: Made by Bill Sparks, seconded by John Merritt to approve two consecutive (three year) terms, sit out one year, and then run for two more terms with a lifetime max of twelve years.  
VOTE: 9-1; Motion Passed (Naye Bill Sparks)

MOTION: Made by David DeleRanko, seconded by Tom Jaster to approve a three year sit out term for Councilmembers.  
VOTE: 9-1; Motion Passed (Naye Frank Trapasso)

MOTION: Made by Tom Jaster, seconded by John Merritt to approve the Mayor term be considered independent from Council and allow the Mayor to serve two (three year) terms in a lifetime.  
VOTE: 10-0; Motion Passed

MOTION: Made by Tom Jaster, seconded by Bill Sparks to approve anyone serving two years or more constitutes a term; a term begins when they take their oath of office.  
VOTE: 10-0; Motion Passed

MOTION: Made by James McConnell, seconded by David DeleRanko to approve anyone serving two years or more constitutes a term; a term begins when they take their oath of office.  
VOTE: 10-0; Motion Passed

MOTION: Made by James McConnell, seconded by David DeleRanko to approve following the Mont Belvieu Qualifications listed on Page 2, Section 3.03 repealing item E. and replacing it with "Be 18 years old on election day or older on the first day of the term".  
VOTE: 10-0; Motion Passed

**V. ADJOURNMENT**

Rich Nichols, Home Rule Charter Commission President adjourned the meeting at 4:15 p.m.

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Frank Trapasso, Home Rule Charter Commission Vice  
Chair

ATTEST:

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P. Abrego, City Secretary

## HOME RULE CHARTER COMMISSION MEETING RULES OF PROCEDURE

### Part I. General Provisions

**Rule 1. Scope of Rules.** These rules shall govern the conduct of the Home Rule Charter Commission (HRCC) and shall be interpreted to ensure fair and open deliberations and decision making.

**Rule 2. Rulings; Matters Not Covered.** The presiding officer shall rule, initially, on all questions of procedure. Robert's Rules of Order, 10<sup>th</sup> Edition shall be referred to for any matter or order or procedure not covered by these rules.

**Rule 3. Interpretation.** These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Texas and the ordinances of the City of Fair Oaks Ranch. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

### Part II. Time and Place of Meetings

#### **Rule 4. Meetings.**

The HRCC shall meet each Monday of the week beginning at 2:00 p.m. unless postponed or cancelled for valid reason(s), in the Fair Oaks Ranch Council Chambers. The HRCC, by a majority vote, may reschedule any meeting.

**Rule 5. Quorum.** Six members shall constitute a quorum at all meetings, for the transaction of business, and no action of the HRCC shall be of any effect unless an affirmative vote of eight members is received to approve a Charter items and an affirmative vote by nine members is required for final Charter approval and submission to the voters.

### Part III. Regular City Council Agenda Packet

**Rule 6. Agenda Packet.** Agenda Packet includes the meeting notice ("agenda") and any supporting documentation for agenda items. The HRCC /City Attorney is responsible for assembling and reviewing for accuracy the proposed agenda packet for each meeting.

**Rule 7. Consent Agenda.** The HRCC may separately designate items as consent items which shall be placed under Consent Agenda on the agenda and be acted upon by the HRCC. The Consent Agenda shall consist of routine items, which are considered by the group (without separate discussion) at the meeting.

**Rule 8. Meeting Notice Deadline.** All requests to place a subject on the agenda must be in writing with supporting documentation provided to the City Secretary by 5:00 PM on Wednesday of the week preceding the Home Rule Commission meeting.

**Rule 9. Meeting Notice; Posting.** The City Secretary's office is responsible for posting the agenda for each meeting and may assist in assembling the agenda packet. The city's official posting location for the agenda is the bulletin board located at the front of City Hall and on the City's website [www.fairoaksrachatx.org](http://www.fairoaksrachatx.org)

### Part IV. Conduct of Meetings

**Rule 10. Roll Call.** Before proceeding with the business of the HRCC, the President and/or Vice Presidents determines the presence of a quorum by calling the roll of Members present.

**Rule 11. Presiding Officer.** The Chair, or in the Chair's absence or inability to perform, the Vice Chair, shall be the presiding officer at all HRCC meetings.

**Rule 12. Control of Discussion.** The presiding officer shall moderate discussion of the HRCC on each agenda item to assure full participation in accordance with these rules. The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. The presiding officer shall request all speakers to keep comments brief and relevant to the question before the HRCC. All persons present in the meeting room should refrain from abusive, rude or inappropriate conduct.

**Rule 13. Presiding Officer's Right to Enter into Discussion.** The presiding officer as a member of the HRCC may enter into any discussion.

**Rule 14. Limit on Remarks.** Each HRCC member shall limit their relevant remarks to a reasonable length.

**Rule 15. Presiding Officer's Right to Speak Last.** The presiding officer has the right to speak last on any item.

#### **Part VI. Council Action**

**Rule 16. Motion Required.** All actions requiring a vote shall be made by a HRCC member. A HRCC member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion. A motion may be withdrawn or modified by its mover without asking permission.

**Rule 17. Recording Names of Moving Members.** The City Secretary shall record the name of the HRCC members making each motion and seconding each motion.

**Rule 18. Call for Vote.** At the conclusion of the discussion, the presiding officer shall call for a vote by roll call. The presiding officer shall announce the results of the vote. If a Member does not wish to vote, they answer *present or abstain*.

**Rule 19. Voting Required.** Each HRCC member present shall vote, unless abstaining, on every action taken. When abstaining, the member shall state they are abstaining and, if they choose, provide reason as to the abstention.

**Rule 20. Action on Consent Agenda.** Except as herein provided, the "Consent Agenda" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced each Member of the Commission has the right to move the item to Consideration. After items are removed, the presiding officer shall ask for a motion on the remaining Consent Agenda items.

#### **Part V. Citizen Participation**

**Rule 21. Public Participation during Citizens to be Heard.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council.

Speakers shall register in advance and limit their total time for citizen comment to 15 minutes unless a majority vote of the HRCC extends the allotted time. Comments shall be limited to topics not on the meeting agenda. Speakers should direct all remarks and questions to the presiding officer. The presiding officer may refer a matter for investigation, response or other action.

**Rule 22. Public Participation during an Agenda Item.** Speakers may register in advance but are not required to do so. Speakers who have registered in advance will speak in the order of registration followed by those who have not registered.

## **I. - FORM OF GOVERNMENT AND POWERS**

### **Section 1.01 – 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.

### **Section 1.02 - Powers.**

- A. The City of Fair Oaks Ranch shall have the power of local self government to the fullest extent permitted by law.
- B. The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas or other law together with all of the implied and specific powers necessary to carry into execution those powers and those express, implied and specific powers necessary for the government, interests, health, welfare and good order of the City and its inhabitants.
- C. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and action of City Council.

## **II. - BOUNDARIES**

### **Section 2.01 - Boundaries.**

The boundaries of the City of Fair Oaks Ranch shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official city map of the City of Fair Oaks Ranch.

### **Section 2.02 - Extension of Boundaries—Annexation.**

The City Council shall have the full power to annex territory, to extend and enlarge the city boundaries and exchange areas with other municipalities.

### **Section 2.3 - Contraction of Boundaries—Disannexation.**

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

**Term Limits.**

**A. Office of Council Member.**

No current or future elected Council Member shall serve more than two (2) consecutive three (3) year terms of office nor more than four(4) three (3) year terms of office during a lifetime. No elected official shall be eligible to take office for a period of three (3) years from the end of a second consecutive Term of Office.

**B. Office of Mayor**

No current or future elected Mayor shall serve more than two (2) terms of office in a life time.

C. Years or time of service that an individual serves in filling an unexpired term or a partial term of office less than two (2) years shall not be counted toward the above limitations.

D. Time served in the office of Council Member or the office of Mayor do not count towards the term limits of the other.