

MINUTES, SEPTEMBER 26, 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: T. Jaster, B. Sparks, D. Pearson, C. Fothergill, D. Deleranko, F. Trapasso, B. Regan, and G. Maxton, J. Merritt, J. McConnell and President R. Nichols
President Nichols opened the meeting at 2:00 p.m.

II. CITIZENS/GUEST FORUM PRESENTATIONS

No one requested to be heard.

III. CONSENT AGENDA

A. Approval of September 12, 2016 Home Rule Charter Commission Meeting minutes

VOTE: None – no motion received

IV. CONSIDERATION/DISCUSSION ITEMS

A. Consider meeting dates of October 10 due to Columbus Day Holiday and October 24, 31 and November 7 due to Federal Election

Due to conflicts on October 10, 24, 31, and November 7, options were discussed regarding the meeting dates, times and locations. By consensus it was agreed:

1. To move the October 10 meeting to October 11; same time/location
2. To hold the October 24, 31, and November 7 meetings at an alternate location

B. Review and provide any applicable guidance to City Attorney regarding proposed language approved by the Commission at previous meetings regarding Passage of Ordinance and Municipal Court

After a review, Commission members, by consensus agreed to the proposed language.

C. Consideration and possible action on Municipal Court; City Manager; creation of departments; elections process and procedures; and initiative, referendum and recall

After a review, Commission members, by consensus agreed no changes needed to the proposed language in Section 4; Municipal Court.

Discussion was held on the creation of the City Manager position, appointment/removal of, and duties and responsibilities of.

MOTION: Made by J. McConnell, seconded by J. Merritt to approve City Manager; Appointment and Removal: *"A majority of the City Council is required to appoint and remove the City Manager. The City Manager shall serve at the will of the governing body"*

AMENDMENT: Made by D. Deleranko, seconded by F. Trapasso to amend the first sentence to: *"Two-thirds of the City Council is required to appoint and, a simple majority to remove the City Manager"*.

VOTE: 11-0; Motion Passed.

A discussion was held regarding classifying the City Manager as Chief Executive Officer or Chief Administrator of the City.

MOTION: Made by J. Merritt, seconded by T. Jasper to approve, under creation of the City Manager position the following: *"The City Manager is the chief administrator of the City and shall be responsible for the proper and efficient management of the affairs and day-to-day operations of the City. The City Manager shall report to and shall receive policy direction from the whole of the City Council"*.

VOTE: 11-0; Motion Passed.

After a review of the duties and responsibilities of the city's current City Administrator, the following motions were made:

MOTION: Made by G. Maxton, seconded by B. Regan to approve:

- a. The City Manager is responsible for implementing the ordinances and policies adopted by the City Council and for upholding State and federal laws and regulations.*
- b. The City Manager attends and participates in City Council Meetings but has no vote.*
- c. The City Manager shall supervise the preparation of agendas for all meetings of the City Council. The agendas shall be prepared in accordance with Rules and Procedures adopted by the City Council.*
- d. The City Manager provides staff support services to the Mayor and Council members.*
- e. The City Manager has a professional obligation to provide recommendations and advice to the City Council on City policy issues.*
- f. The City Manager conducts research and analyses to assist the City Council in the formulation of policy.*

VOTE: 11-0; Motion Passed

MOTION: Made D. Deleranko, seconded by J. McConnell to approve:

- g. The City Manager shall initiate and assist the City Council in the development of short term objectives and long term goals for the City and assist in the formulation of strategies to achieve such objectives and goals.*

VOTE: 11-0; Motion Passed.

D. Deleranko requested the word "balanced" be used when referring to the budget. See Exhibit A attached as to B. Regan's thoughts on budget. City Attorney Zech reviewed state law (LGC102) noting it's a requirement for the fiscal year budget to be balanced.

MOTION: Made J. Merritt, seconded by D. Deleranko to approve:

- h. The City Manager shall prepare and administer the budget in accordance to State law.*

VOTE: 11-0; Motion Passed.

MOTION: Made by R. Nichols, seconded by J. McConnell to approve:

- i. The City Manager shall keep the City Council fully advised as to the financial condition of the City and future needs of the City.*

j. The City Manager shall oversee the purchasing of all merchandise, materials, supplies and services as budgeted and shall put in place such rules and regulations governing contracts, requisitions and transactions of business between City departments and vendors of goods and service in compliance with all State procurement laws.

k. The City Manager is authorized to make all purchases on behalf of the City according to the City's financial policy.

l. The City Manager shall negotiate, sign, execute and monitor implementation of all contracts including franchise agreements entered into by the City in accordance with City Financial policy.

VOTE: 11-0; Motion Passed.

B. Regan noted the statement, "The City Manager assures risk management controls and assessments are in place to protect the City's liability and property concerns" is willfully inadequate as it does not detail what risk is (See Exhibit B).

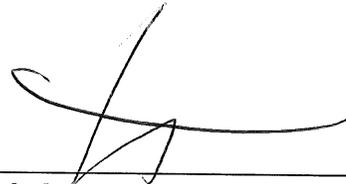
MOTION: Made by B. Sparks, seconded by D. Deleranko to approve:

m. The City Manager shall prepare and present to City Council a Risk Management Plan.

VOTE: 11-0; Motion Passed.

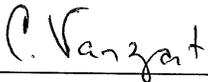
V. **ADJOURNMENT**

President Nichols adjourned the meeting at 4:00 p.m.



Rich Nichols, Commission President

ATTEST:



C. Vanzant, Interim City Secretary