

MINUTES, NOVEMBER 14, 2016; 6:00 PM
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas

I. ROLL CALL

Attendees: B. Sparks, C. Fothergill, D. Deleranko, F. Trapasso, B. Regan, R. Nichols, J. Merritt, G. Maxton, and D. Pearson

Absent: T. Jaster, J. McConnell

With a quorum present, President Nichols opened the meeting at 6:00 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

No citizens/guest requested to be heard

III. CONSENT AGENDA

A. November 7, 2016 Home Rule Charter Commission Meeting Minutes.

Commission members felt there was an action item missing with Section 6.02 as drafted and B. Regan also commented on other minor edits needed. By consensus, the commission agreed to delay approving the minutes.

IV. CONSIDERATION/DISCUSSION ITEMS

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

Committee members agreed to review section by section, discuss areas of concern, and make changes where applicable

City Attorney Zech noted that non-substantive changes were made to the language in the charter to maintain consistency. He will note these changes to the committee during the review process.

I.-FORM OF GOVERNMENT AND POWERS

Section 1.02 B – Powers.

Motion: Made by D. Deleranko, seconded by J. Merritt to add the words “and proper” and “general” in paragraph B to read “Except where specifically limited in this Charter 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 *and proper* for the government, interests, health, *general* welfare and good order of the City and its inhabitants.”

Vote: 9-0: Motion Passed

Section 3.01 A – Number, Selection, and Term.

Committee members discussed the current proposed number of seats of the City Council and the many factors that are involved in its final decision (recent history of unopposed

elections, the length of terms, lack of compensation, currently proposed staggered elections) and agreed by consensus to bring back next week for discussion. Changes made will impact several sections within the Charter.

Section 3.04 C- The Mayor.

By consensus, the words “as necessary” were removed in Section C and changed to read “The Mayor shall, when authorized ~~as necessary~~ by the City Council, sign all official documents.”

Section 3.06 C - Vote.

By consensus, the word “whole” was removed in Section 3.06 C and changed to read “No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the ~~whole~~ City Council.”

Section 3.06 F 4 - Legislation by Ordinance.

City Attorney Zech was requested to review the language in the first sentence in Section 3.06 F 4 for clarity.

Section 3.07 A - Compensation of Members.

Motion: Made by B. Regan, seconded by F. Trapasso to remove “~~Members of City Council shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties~~” to “*Compensation of the City Council and the Mayor, and any subsequent increases, shall be determined and approved by the vote of the citizens at a regular election. No increase in such compensation shall take effect until the commencement of the terms of Mayor and/or Council Members elected at the next general election.*”

Vote: 7-2, (D. Deleranko and B. Sparks dissenting).

By consensus, this is to be reconsidered next week.

Section 3.08 - Term Limits.

By consensus, this is to be reconsidered next week.

Section 3.09 C - Vacancies; Forfeiture of Office; Filling of Vacancies.

Motion: Made by B. Regan, seconded by J. Merritt to remove the sentence “The hearing shall be held within 60 days of the City Council, as a body, learning of the alleged forfeiture.”

Vote: 9-0; Motion Passed

V. **ADJOURNMENT**

Due to schedule conflicts, City Attorney Zech requested that the November 21, 2016 meeting be rescheduled to 1:00 -3:00 PM. D. Deleranko submitted a draft Preamble to the Charter and requested that it be placed on the November 21, 2016 agenda. President Nichols adjourned the meeting at 8:06 PM.

Rich Nichols

Rich Nichols, Commission President

ATTEST:

Christina Picioccio

Christina Picioccio, City Secretary