



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

January 9, 2017; 2:00 PM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch, TX 78015

I. ROLL CALL

II. 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 December 19, 2016 Home Rule Charter Commission Meeting Minutes.
- B. Approval of January 3, 2017 Home Rule Charter Commission Meeting Minutes.

III. DISCUSSION ITEMS

- A. Review and discuss the protocol of the January 12, 2017 Town Hall Meeting.
- B. Review and discuss the draft power point presentation for the January 12, 2017 Town Hall Meeting.
- C. Review and discuss the draft Q&A paper created by the Communications Sub-Committee.

IV. ADJOURNMENT

I, Christina Picioccio, certify this 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 2:00 PM, January 6, 2017 and remained so posted continuously for at least 72 hours before said meeting was convened.

MINUTES, DECEMBER 19, 2016; 2:00 PM
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas

I. ROLL CALL

Attendees: D. Deleranko, T. Jaster G. Maxton, J. McConnell, J. Merritt, R. Nichols, D. Pearson, B. Regan, and B. Sparks.
Absent: C. Fothergill and F. Trapasso.
With a quorum present, President Nichols opened the meeting at 2:01 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

S. Hartpence, citizen, spoke in favor of the City Secretary position being hired and fired by the City Manager versus the City Council. (Attachment A). He also expressed his thoughts on the personnel termination authority of the City Manager. (Attachment A). These items generated a great deal of discussion and it was decided by Commission consensus that they should be brought back again for further discussion and possible action at the January 16, 2017 meeting.

III. CONSIDERATON/DISCUSSION ITEMS

1. Review and discuss Final Draft Charter.

1. D. Pearson proposed that a Charter Review Commission be added to the Charter and submitted the San Marcos Charter language for discussion. (Attachment B).

MOTION: Made by D. Pearson and seconded by J. McConnell to include a Citizens Charter Review Commission to the Home Rule Charter.

VOTE: 7-2, Motion Fails (T. Jaster and B. Regan dissenting).

DISCUSSION: The Commission agreed that a Citizens Charter Review Commission had merit, but decided by consensus that this item should be brought back again for further discussion and possible action at the January 16, 2017 meeting.

2. To be able to move forward with the process of preparing the Charter for the public, the Commission discussed accepting the Charter as written and addressing outstanding items at the January 16, 2017 meeting.

MOTION: Made by J. Merritt and seconded by D. Pearson to approve the Charter as written contingent upon anything they want to review.

VOTE: 8-1, Motion Passed (D. Deleranko abstaining).

2. Consideration and possible action on appointing appropriate sub-committees including but not limited to: a Communication Committee and Town Hall Planning Committee.

City Attorney Zech will prepare a power point presentation for the Town Hall meeting which will discuss the Charter provisions and will highlight differences between our current form of government and of the proposed Home Rule form of government which includes: initiative, referendum, recall, term limits, and a voting Mayor. T. Jaster, B. Regan, and G. Maxton will prepare a Q&A document to facilitate answering questions at

the Town Hall and future meetings. The power point presentation and Q&A paper will be reviewed and discussed at the January 3, 2017 meeting.

3. Discussion and possible action on future Commission Meeting dates.

The following meeting dates and times have been scheduled:

January 9, 2017	Final Preparation for Town Hall Meeting (if necessary)	2:00 PM
January 12, 2017	Town Hall Meeting	6:30 PM
January 16, 2017	Incorporate Town Hall Comments (as determined necessary)	2:00 PM
January 23, 2017	Final Vote on Final Proposed Charter	2:00 PM

IV. ADJOURNMENT

President Nichols adjourned the meeting at 3:47 PM.

Rich Nichols, Commission President

ATTEST:

Christina Picioccio, City Secretary

City Secretary

I believe the City Secretary should be treated no differently from any other direct report of the City Manager. The City Manager should hire the CS, oversee the work of the CS and write the CS reviews. The City Council should not any of these responsibilities because:

1. The Council is only present a few days per month and cannot give any meaningful direction to the CS.
2. The unstated purpose of the CS reporting to Council is to inform on actions of others. Otherwise, there is no pointing in a reporting relationship with the Council.
3. Other staff would be wary of the CS and likely create a sense of isolation.
4. The wrong person as CS would be in a position to undercut the City Manager and staff.
5. The best candidates for CS won't want the job.
6. As far as I know, no one currently on the Council thinks this is a good idea.

Termination of City Manager Direct Reports

For reasons laid out in my 10/17/16 comments to the committee, I still believe the committee is creating an unacceptable liability risk by allowing the City Manager to unilaterally terminate anyone in the organization. Since I first made this argument, I have heard only to reasons why this is a good idea:

1. The City Manager won't have the necessary authority to manage the staff.
 - a. This makes no sense. Almost every manager requires approval for termination decisions to avoid liability consequences.
2. We won't be able to recruit good CM's unless they have this authority.
 - a. Quite simply, I don't believe it. No one raised the issue in our interviews and it has never come up in my decades of business experience.
3. It will cause termination decisions to be political rather than on the merits of the case.
 - a. Possible, but no more likely than a unilateral CM decision being political.

Steve Hartpence
12/19/16

San Marcos

Sec. 12.12. - Charter review commission.

Beginning in January 2013 and at least every four years thereafter, the city council shall appoint a Charter review commission of seven citizens of the City of San Marcos.

Beginning in January 2013 and at least every four years thereafter, the city council shall appoint a Charter review commission of seven citizens of the City of San Marcos.

(a) *Duties of the commission:*

- (1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
- (2) Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions.
- (4) Report its finding and present its proposed amendments, if any, to the city council.

(b) The city council may take action to amend the Charter in the manner provided by state law.

(c) *Term of office:* The term of office of such Charter review commission shall be six months, and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of the city clerk and shall become a public record.

MINUTES, JANUARY 3, 2017; 2:00 PM
CITY OF FAIR OAKS RANCH HOME RULE CHARTER COMMISSION
7286 Dietz Elkhorn
Fair Oaks Ranch, Texas

I. ROLL CALL

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

Absent: J. McConnell.

With a quorum present, President Nichols opened the meeting at 2:01 PM.

II. CITIZENS/GUEST FORUM PRESENTATIONS

No one requested to be heard.

III. CONSENT AGENDA

A. December 12, 2016 Home Rule Charter Commission Meeting Minutes were approved by Commission Consensus.

IV. CONSIDERATION/DISCUSSION ITEMS

(Item C was discussed first).

C. Review and discuss the protocol of the January 12, 2017 Town Hall Meeting.

The Commission discussed the general outline of the Town Hall Meeting to include introductions of Commission members, overview of Charter creation process, the elements of the Home Rule Charter and how it compares to the General Law form of government, as well as a question and answer session.

A. Review and discuss the City Attorney's power point presentation for the January 12, 2017 Town Hall Meeting.

The Commission favored a more condensed presentation which highlights the important elements and benefits of the Home Rule Charter versus the General Law form of government. D. Pearson and G. Maxton volunteered to recreate the power point and to present to the Commission at the next meeting.

B. Review and discuss the draft Q&A paper created by the Communications Subcommittee.

The Commission discussed possible uses of the Q&A paper and determined that it would be beneficial to provide on the city website as an educational tool, as well as talking points at the Town Hall Meeting. Commission members were encouraged to provide additional questions, and after legal review, it would be posted on the city website after the January 9, 2017 meeting.

V. ADJOURNMENT

President Nichols adjourned the meeting at 2:53 PM.

Rich Nichols, Commission President

ATTEST:

Christina Picioccio, City Secretary