



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

CHARTER COMMISSION MINUTES

September 15, 2015

I. CALL TO ORDER

A Regular Meeting of the Fulshear Charter Commission was called to order by Chair CJ McDaniel at 6:31 p.m. on Tuesday, September 15, 2015 in Irene Stern Community Center at 6920 Katy-Fulshear Road, Fulshear Texas and all citizens were welcomed.

Members Present:

Bill Archer

Erma Beal

Larry Beustring

John Dowdall

Cherryl Finney

C.J. McDaniel

James Molina

D.E. (Gene) Morgan

Kent Pool

Carolyn Randle

Polly Royer

Randy Stacy

Members Absent:

Ken Knapp

City Staff Present:

Lynn Raymer, Executive Assistant

Others Present:

Thomas Walker Smith

Concha Bautista

Danny McRea

Byron Brown

II. QUORUM

A quorum was present.



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III. APPROVE MINUTES

Member Archer motioned to approve the August 25, 2015 with an amendment to correct VI. Discussion of and Possible Action from "...decision to have a council size of 7 Members comprised of 5 district Members..." to read "...decision to have a council size of 7 Members comprised of 5 single district Members...".

Second by Member Beustring.

Motion was carried by the following vote:

Ayes: All in favor

Nays: None opposed

IV. COMMENTS FROM THE PUBLIC (for matters not on the agenda)

There were no comments from the public.

V. APPROVE DRAFT OF CHARTER SECTION

Attorney Brown stated that presentation of the draft sections must be postponed due to a scheduling conflict, and such draft sections will be presented at the next Charter Commission meeting scheduled for October 13, 2015.

VI. DISCUSSION OF AND POSSIBLE ACTION ON

A. At Large Position Geographic Restriction

Attorney Brown reiterated the information pertaining to districting and the Voting Rights Act provided by the redistricting experts at the previous meeting. Attorney Brown advised the commission of the experts' recommendation of adopting a requirement that councilmembers elected at large reside in a defined geographical area.

Discussion regarding requiring the at large council members do live in a defined geographical area, including the responsibility and criteria for setting boundaries of the defined geographical area.

Member Archer requested that proposed language be drafted and presented at the next Commission meeting.

No action was taken on this item.

B. Salary of Mayor and expenses

Attorney Brown presented information regarding which home-rule cities in Fort Bend County provide for compensation and expenses of the Mayor in their charters and the amount of such compensation and expenses.

Discussion regarding compensation of the Mayor, including whether the compensation of the Mayor should be prohibited to be consistent with the compensation of the City Council, and whether the compensation, if any, should be a fixed sum, an amount



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determined by City Council, or an amount determined by City Council within a fixed range.

Motion by Member Beustring for the Mayor to be compensated a minimum of \$1,200 per month and maximum of \$1,500 per month and to be reimbursed for all legitimate and necessary expenses incurred representing City of Fulshear.

Second by Member Pool.

Further discussion regarding salary and expenses of the Mayor, including whether the amount set by City Council should be adopted by super-majority.

Motion failed with the following vote:

Ayes: Member Beustring

Nays: Members Archer, Beal, Dowdall, Finney, McDaniel, Molina, Morgan, Pool, Randle, Royer, Stacy

Motion by Member Archer that the salary of the Mayor be determined by City Council, with a two-thirds (2/3) majority vote required for adoption, and for the Mayor to be entitled to reimbursement of all expenses reasonably incurred in the performance of official duties.

Second by Member Molina.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

C. Voting – super-majority and abstentions

Attorney Brown discussed and clarified the terms “super-majority” and “abstentions,” indicating that a two-thirds (2/3) majority of a seven (7) member council is five (5) members, and that a three-quarter (3/4) majority of a seven (7) member council is six (6) members. Attorney Brown explained how a super-majority affects appointment or dismissal of City officers and setting tax rate changes, and discussed examples of super-majority requirements in the charters of home-rule cities in Fort Bend County.

Motion by Member Molina that a two-thirds (2/3) majority vote of the full City Council be required for setting tax rates and for the appointment and dismissal of the City Manager and City Attorney.

Second by Member Dowdall.

Further discussion regarding super-majority voting and abstentions.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed



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Attorney Brown discussed the purpose and effect of requiring second readings of ordinances and resolutions, including that such requirement allows additional time and opportunity for consideration and discussion of the issues. Attorney Brown advised the commission that, in some cases, state law prescribes the procedures required for the city council to take actions, and gave examples of such cases, including annexation and zoning.

No action was taken on this topic.

Attorney Brown discussed abstention from voting, and provided examples of home-rule city charters prohibiting and allowing abstention from voting.

Discussion regarding abstention, including abstentions required by law such as in the case of a conflict of interest.

Motion by Member Molina that abstentions be counted as a vote against the action being considered unless the abstention is required by law.

Second by Member Stacy.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

D. Initiative, Referendum, Recall

Attorney Brown described the powers of "initiative", "referendum", and "recall," and gave examples of each power being used in practice. Attorney Brown indicated that the powers are separate and distinct from one another, but that they are almost always provided for in a charter all together, if at all.

Motion by Member Archer that the charter provided for Initiative, Referendum, and Recall.

Second by Member Beal.

Further discussion regarding initiative, referendum, and recall, including the influence of such powers even when rarely used.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Attorney Brown described the petition process for exercising the powers of initiative, referendum, and recall, and that certain petition requirements would need to be decided, including whether the amount of signatures required would be a whole number, a percentage, or the lesser or greater of either, and whether the percentage, if required, is of registered voters or of voters at the last election.



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Discussion regarding signatures required for a petition for initiative, referendum, or recall.

Members of the commission requested that information regarding the registered voters of the City of Fulshear and the number of votes cast at the last election be presented at the next Commission meeting.

No action was taken.

Attorney Brown provided information regarding home-rule cities in Fort Bend County that provide for recall in their charters, giving examples of certain limitations on when the power may be exercised, including frequency and time limitations.

Discussion regarding imposing limitations on the power of recall.

Motion by Member Stacy to prohibit the recall of an office holder within the first 6 months after election or appointment, and to limit the number of times an office holder may be subject to a recall election to once per term.

Second by Member Archer.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

The next meeting will be October 13, 2015 at Irene Stern Community Center.

VII. ADJORNMENT

Member Archer motioned to adjourn at 8:35pm

Second by Member Pool.

The motion was carried by the following vote:


Ayes: All Members

Nays: None

Chairman McDaniel announced that we are now adjourned.


C.J. McDaniel – Chairman

Attest:


Lynn Raymer – Executive Assistant

