

CITY OF LEON VALLEY



Home Rule Charter Commission Meeting
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Wednesday, October 15, 2014

MINUTES

The Home Rule Charter Commission of the City of Leon Valley, Texas met on the 15th day of October 2014 at 6:00 p.m. at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

Call to order and announcement of a quorum.

Chairman Arthur "Art" Reyna called the meeting to order at 6:06 p.m. and determined that a quorum was present.

The minutes reflect that the following Members of the Home Rule Charter Commission were present: Chairman Arthur "Art" Reyna, Vice Chairman Jack Dean, Rudy Garcia, Kathy Hill, David Jordan, Liz Maloy, Darby Riley, and Al Uvietta. Not in attendance and excused were Mike McCarley, Victor Rodriguez, Manuel Rubio.

City Attorney Charles Zech, City Manager Manuel Longoria, Jr., and Human Resources Director & Commission Staff Liaison Crystal Caldera were also present.

Adopting the minutes of the October 8, 2014 Home Rule Charter Commission Meeting.

Chairman Reyna asked the Commission if they had any changes to the minutes. Commission Member Liz Maloy made a motion to adopt the minutes as written for October 8, 2014. Commission Member Rudy Garcia seconded the motion. The motion passed unanimously.

Status from the City Attorney as to where the Commission is in completing the charter.

City Attorney Zech reviewed the items that were remaining as next topics for discussion and action:

- III. The City Council and Mayor
- IV. Elections
- V. Administrative Organization
- VI. Initiative, Referendum and Recall
- VII. General Provisions
- VIII. Transitional Provisions

There was some discussion over deadlines, but City Attorney Zech assured the Commission that they are still on target. The Commission agreed that if there was a need for additional meetings then they would schedule them as necessary.

Adopting Article II Boundaries.

City Attorney Zech provided the Commission with the final version of Article II Boundaries. There was no discussion. Commission Member Al Uvietta made a motion to approve Article II Boundaries, as presented by City Attorney Zech. Commission Member Rudy Garcia seconded the motion. All were in favor of the motion, none opposed, and none abstained. The motion passed unanimously.

Discussion, consider and possible action on Article III Mayor and City Council.

City Attorney Zech began the discussion by reviewing Article III The City Council and Mayor, Section 3.02 Number, Selection, and Term Part B, which stated the following:

“No **[current or] future** elected official shall serve more than three (3) consecutive terms of office and no more than five (5), terms during a lifetime. For purposes of this subsection an official shall have been considered to have served a term upon taking the oath of office, regardless of whether the official serves the complete term. Any official who has served three (3) consecutive terms shall be prohibited from serving another term for a period of two years from the date of the expiration of the third consecutive term”.

A lengthy discussion ensued to determine whether to include current, past or future elected officials in the section outlined above.

Chairman Reyna concluded that there would not be consensus and suggested the Commission address this section at the next meeting when all the Commission members would be present. The Commission agreed and moved on to Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies Part D, which states the following:

“All vacancies with unexpired terms of 13 months or greater shall be filled by special election pursuant to State law. All vacancies with unexpired terms of 12 months or less may be filled by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law at the discretion of City Council.”

City Attorney Zech stated he structured this verbiage based on what he thought the direction was from the Commission. There was some discussion and the Commission requested City Attorney Zech to change “13 months or greater” to “no more than 12 months”. The Commission unanimously agreed on the change and continued to section 9.09 Prohibitions Part D, which states the following:

“It shall be unlawful for the City Council or any of its members to dictate to the City Manager the appointment of any person to office or employment. The City Council or its members will not interfere in **“any manner”** with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager’s own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately”.

There was some concern with the language stating, “any manner”, further discussion continued and the Commission agreed to allow the City Attorney Zech to draft more specific language versus using the terminology “any manner”. The Commission agreed to move forward to Section 3.10 Meetings and Procedures Part A Agendas, which states the following:

“A member of City Council may place an item on an agenda by agreement of two additional members of City Council. The member of City Council desiring to place an item on an agenda shall submit in writing the request to place the item on an agenda to the City Secretary who shall inquire with members of City Council as to their agreement. The item shall be placed on the next City Council meeting occurring on or after the 8th calendar day after obtaining the agreement of the second member of City Council. At a meeting of City Council a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda. The City Manager may place any item on any City Council agenda.”

The Commission was all in agreement with the above language and the continued to Section 3.11 Ordinances Part A. Passages, which states the following:

Except as may otherwise be prescribed in this Charter or other law, all ordinances adopted by the City Council shall take effect **[number of readings]**.

City Attorney Zech opened the discussion by explaining that Leon Valley is a General Law City and currently requires one reading of an ordinance before it is adopted. He continued by stating that all cities have different provisions, some have one others have two or three readings.

There was some discussion and the Commission agreed to have the term "reading" defined, to have a provision for emergency, and to have two readings of an ordinance before it is adopted. The commission agreed and moved on to Section 3.12 Council Investigations; Hearings; Process Part A, which states the following:

"In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, **employees** or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance."

City Attorney Zech stated that this section is important because you want a process in place just in case something happens. There was some discussion on whether to include the term "employees" in the following, "City Council shall have the power to inquire into the official conduct of employees". There was no official consensus, and the Commission agreed this was a good stopping point until the next meeting.

Discuss, consider and possible action on Elections.

This item was postponed until the next meeting.

Discuss, Consider and Possible action on Initiative, Referendum and Recall.

This item was postponed until the next meeting.

Adjournment

Chairman Arthur "Art" Reyna announced the meeting adjourned at 9:07 p.m.

APPROVED: _____


Arthur "Art" Reyna
Chairperson

ATTESTED: _____


Crystal Caldera
Staff Liaison