

CITY OF LEON VALLEY



Home Rule Charter Commission Meeting Leon Valley City Council Chambers 6400 El Verde Road, Leon Valley, Texas 78238 Wednesday, November 5, 2014

MINUTES

The Home Rule Charter Commission of the City of Leon Valley, Texas met on the 5th day of November 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 6:09 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, Mike McCarley, Liz Maloy, Victor Rodriguez, and Al Uvietta. Not in attendance and excused were Darby Riley and Manuel Rubio.

City Attorney Charles Zech, City Manager Manuel Longoria, Jr., and Human Resources Director & Commission Staff Liaison Crystal Caldera, Economic Development Director Claudia Mora 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. Vice Chairman Jack Dean seconded the motion. The motion passed unanimously.

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

City Attorney Zech began with his changes to Section 3.09 Prohibitions Part D which stated the following:

"It shall be unlawful for the Neither the City Council nor any of its members to shall dictate to the City Manager the appointment of any person to office or employment. ~~The~~ No City Council ~~or its members will not~~ shall 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 no discussion the Commission was in unanimous consensus over the recommended changes as presented by Attorney Zech.

The next section that was visited was section 3.11 Ordinances Section Part A Passage, which states the following:

“Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance”

The Commission had little discussion in regards to this verbiage and agreed to the language as presented by City Attorney Zech.

City Attorney Zech presented Section 3.12 Council Investigation; Hearing; Process Part A. General, which stated 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.”

Chairman Reyna reviewed the discussion that happened at the last meeting, the main concern was whether to delete the word “employees” from the passage above. Vice Chairman Dean felt the City Manager should have the sole authority to investigate employees; if the City Council did not agree with the City Manager’s actions then the City Council had the authority to reprimand and/or terminate the City Manager. There was a lengthy discussion. The following members were in favor of the language as presented by City Attorney Zech: Chairman Arthur “Art” Reyna, Rudy Garcia, Kathy Hill, David Jordan, Mike McCarley, Liz Maloy, Victor Rodriguez, and Al Uvietta. One opposed Vice Chairman Jack Dean, no abstentions, the motion passed.

Discuss, consider and possible action on Elections.

City Attorney Zech presented Article 4 Elections, stating that the language inserted in this section is standard verbiage. There was question arising from section 4.06 Taking of Office; which state the following:

“Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvass of the votes”

There was some discussion and a request to add specific language to state the following: “Newly elected officials shall be inducted into office as the first item of business on the agenda at the first regular City Council Meeting”. All were in favor of the additional language, none opposed, none abstained. The motion passed unanimously.

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

City Attorney began by defining Initiative, referendum and recall. Then he asked the Commission if they wanted Initiative, referendum and recall, all the commission members were in agreement to have initiative, referendum and recall in the City Charter.

City Attorney Zech reviewed different examples from vague to specific language dealing with initiative, referendum and recall. City Attorney Zech recommended to the committee to use a percentage of registered voters to initiate referendum, initiative, and/or recall by petition. It was determined that there were 6868 registered voters.

There was a lengthy discussion and the following comments were made about petition validity:

- The original signatures
- The ordinance should be on the top of the petition
- The signature must be of a registered voter
- The person collecting the signatures should be a registered voter of the city
- The City Secretary would verify the petition
- The City Secretary will verify the petition against the registered voter list

The Commission discussed the percentage of registered voters necessary to initiate referendum by petition. The Commission unanimously agreed on 10 percent.

The Commission discussed the percentage of registered voters necessary to set forth an initiative by petition. The Commission unanimously agreed on 10 percent.

The Commission discussed the percentage of registered voters necessary to initiate a recall by petition. The Commission unanimously agreed on 20 percent.

The Commission then reviewed the process requirements specific to the petition for initiative, referendum and recall. City Attorney Zech asked the commission to consider the following:

- A minimum of 5 qualified voters may commence (petition committee) initiative, referendum and recall proceedings by filing with the City Secretary.
- The signers of the petition should include signature, address, date, registration number etc.
- A time limit after the City Secretary is notified
- A time limit for the City Secretary verify the petition

The Commission was in favor of having a petition committee with a minimum of five members, must be a resident and a registered voter of the City of Leon Valley.

The Commission agreed to have elections for an initiative, referendum and/or recall at the City's general election for that year.

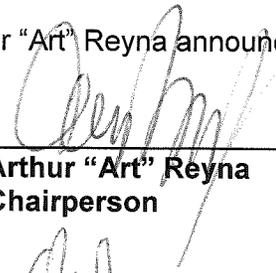
There was consensus among the Commission to allow the City Secretary 45 days to validate the signatures.

Commission Member Al Uvietta asked the Commission to consider language that would allow the petition committee to gather signatures of 20% of the registered voter. This would require City Council to consider their request and if City Council denies the request, then it would automatically go on the ballot (nicknamed super petition). There was some discussion in favor of the above language, but the commission agreed to pick up here at the next meeting.

Adjournment

Chairman Arthur "Art" Reyna announced the meeting adjourned at 9:11 p.m.

APPROVED:



Arthur "Art" Reyna
Chairperson

ATTESTED:



Crystal Caldera
Staff Liaison