

CITY OF LEON VALLEY



Home Rule Charter Commission Meeting Leon Valley City Council Chambers 6400 El Verde Road, Leon Valley, Texas 78238 Wednesday, November 19, 2014

MINUTES

The Home Rule Charter Commission of the City of Leon Valley, Texas met on the 19th 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 6:03 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, Rudy Garcia, Kathy Hill, David Jordan, Mike McCarley, Liz Maloy, Victor Rodriguez, Darby Riley, Manuel Rubio and Al Uvietta. Not in attendance and excused was Vice Chairman Jack Dean.

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 November 5, 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 November 5, 2014. Commission member David Jordan seconded the motion. The motion passed unanimously.

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

The Commission agreed to suspend this item to Item Five on the agenda and take up Item 4 Discuss, Consider and approve Article IV Election.

Discuss, consider and possible action on Elections.

City Attorney Zech presented Article 4 Elections, reviewing language he inserted in Section 4.06 Taking of Office; which now includes "as the first item of business" and reads as follows:

*"Each newly elected person to the City Council shall be inducted into office **as the first item of business** at the first regular City Council meeting following the canvass of the votes.*

There was some discussion all were in favor of the language, none opposed, none abstained. The motion passed unanimously.

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

City Attorney began by recapping the discussion what took place at the last meeting. Where the Commission agreed to the following:

- A petition committee with a minimum of five members
- 10 percent of registered voters necessary to set forth a referendum
- 10 percent of registered voters necessary to set forth an initiative
- 20 percent of registered voters necessary to set forth a recall

At the last meeting the Commission also looked at the possibility of having the petition committee gather signatures of 20% of the registered voters. 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 a lengthy discussion and some concern over the "super petition". The thought was 20% would make it unnecessarily hard for individuals trying to initiate a referendum or initiative.

There was continued discussion and Commission Member Rudy Garcia made a motion to include the following in Article 6:

- A petition committee with a minimum of five members
- 15 percent of registered voters necessary to set forth a referendum
- 15 percent of registered voters necessary to set forth an initiative
- 20 percent of registered voters necessary to set forth a recall
- 90 days to collect signatures
- If City Council still rejects the ordinance (after receiving the required number of signatures), then the ordinance would automatically go on the ballot.
- The election would be held on the next uniform election date.

Commission Member David Jordan seconded the motion.

There was more discussion but all were in favor of the above bullet points, none abstained and none were opposed. The motion passed unanimously.

The Commission was in agreement with Article 6 Initiative, Referendum and Recall Section 6.01 General Authority as presented by City Attorney Zech.

The Commission was in agreement with Article 6 Initiative, Referendum and Recall Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' committee; Affidavit, with the following changes:

- Clarify that anyone can circulate a petition
- The ordinance is on each page of the petition
- Petitions shall be returned to the Office of the City Secretary for filing within 90 days after filing of the affidavit
- Each page of the petition will be notarized
- The City Secretary has 30 calendar days to verify the petition

The Commission was in agreement with Article 6 Initiative, Referendum and Recall Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review with the following change:

- The City Secretary would send the certificate to the designated address as specified by the petition committee

City Attorney Zech then directed the Commission to Article 6 Initiative, Referendum and Recall Section 6.10 Initiative; Requirements specific to Petition for Initiative; Procedure. The Commission agreed that Part B would read as follows:

*Upon presentation to the City Council they shall, within **45 days** after the date the petition was finally determined sufficient, hold a public hearing and vote on the adoption or rejection of said ordinance.*

The Commission was in agreement with Article 6 Initiative, Referendum and Recall Section 6.11 Referendum; Requirements specific to Petition for Referendum; Procedure; Effect Prior to Election Part D. to read as follows:

*A petition for referendum on the same subject matter may only be submitted once every **two (2) years, from the date it was at the ballot box.***

The Commission discussed and was in agreement with Article 6 Initiative, Referendum and Recall Section 6.12 Initiative and Referendum; Form of Ballots, the ballot will read as follows:

"For the Ordinance" or "Against the Ordinance"

City Attorney Zech then directed the Commission to review Article 6 Section 6.04 Requirements Specific to Petition for Recall. There was some discussion on whether the language to recall an elected official should be "distinct and specific" or "general". The majority of the Commission agreed to "distinct and specific".

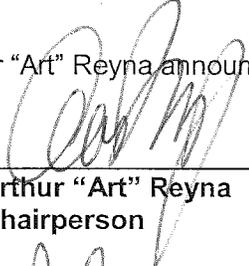
Discussion, consider and possible action on Article III Mayor and City Council.

This item was postponed for discussion until the next meeting.

Adjournment

Chairman Arthur "Art" Reyna announced the meeting adjourned at 9:16 p.m.

APPROVED: _____


Arthur "Art" Reyna
Chairperson

ATTESTED: _____


Crystal Caldera
Staff Liaison