



CHARTER STUDY COMMITTEE MINUTES
REGULAR MEETING | DECEMBER 5, 2018
CITY HALL CONFERENCE ROOM, 405 MUNICIPAL DRIVE
REGULAR SESSION at 6:30 PM

I. CALL TO ORDER

Chair Mayor Brian Johnson called the meeting to order at 6:31 p.m.

II. ROLL CALL

Present: Chair Mayor Brian Johnson, Vice-Chair Bob Gruenhagen, Gail Uranga, Robert Mundy, Kenneth Michels, John Clark, and Cheryl Pond; **Absent:** NONE

Staff: City Attorney Betsy Elam and City Secretary & Communications Coordinator Leslie Galloway

III. REGULAR SESSION

- A. Consider approval of minutes from the November 20, 2018 meeting

Motion To approve minutes from the November 20, 2018 meeting. **Action** Approve, **Moved By** Robert Mundy, **Seconded By** John Clark. **Motion passed Unanimously.**

- B. Continue identifying and discussing the committee's desired Charter topics for further discussion and/or research

Mayor Brian Johnson, Chair, gave a brief overview of the organizational structure of a Council-Manager form of government.

City Attorney Betsy Elam gave a brief overview of the considerations related to term limits (noting that they would likely fit best in §3.01 of the Charter) and was available to answer questions from the Committee. After some discussion that included the limited pool of candidates in a community of this size, advantages of experienced Councilmembers, and the ability of voters to remove someone from office every two years, the Committee decided against further discussion of an amendment that would institute term limits. Regarding three-year terms for Councilmembers, there was a consensus among the Committee that because the community voted against that in 2016, there was no need for discussion now.

Mayor Brian Johnson, Chair, gave a brief overview of the purpose of each type of petition allowed by Article XI (Initiative, Referendum, and Recall), and Vice-Chair Bob Gruenhagen stated that he had submitted suggested edits to this section, including the increase in the number of signatures required on a recall petition to 60% of the votes cast in the last regular municipal election, but not less than 500.

Johnson proposed removing the recall option due to the time constraints involved resulting in a Councilmember not being able to be recalled sooner than one year into a two-year term, the discord that can be caused by such a ballot measure, and the separate power the Charter affords the Council to remove a member who forfeits their office under §3.06(b).

There was some discussion, which resulted in Vice-Chair Bob Gruenhagen, Gail Uranga, and Chair Mayor Brian Johnson stating that they were in favor of considering the removal of

the section allowing recall petitions; Kenneth Michels, Robert Mundy, and John Clark stating their support of preserving this power of the voters by maintaining this section in some form; and Cheryl Pond stating that she had not yet formed an opinion.

In regard to Gruenhagen's proposed signature requirements ("each signer shall print their name, street address of their residence in Kennedale, voter registration certification number and the day, month and year that their signature was affixed to the recall petition"), Elam noted that petition signature requirements were governed by Chapter 277 of the Texas Local Government Code and that a Charter could not be stricter than state law on this issue.

Regarding §11.01 (Initiative) and §11.02 (Referendum), Gruenhagen noted his suggestion to change the word "money" to "funds" and the addition of the wording "The City Secretary will examine the same and ensure that the structure and format are proper for presentation to the City Council. If corrections are required, 10 days will be allowed for resubmission."

Elam noted that without specific guidance in the Charter regarding whether a matter is removed from the field, a court would likely require an election be held before making a determination whether the vote can be implemented; but that wording could be added to the Charter that would remove from the field "any matter a court of competent jurisdiction has determined to be removed from the field of initiative or referendum".

Committee members John Clark and Robert Mundy, who both served on the original Home Rule Charter Commission, stated that they recalled advisement from City Attorney Wayne Olson regarding the need for "appropriation of money" being specifically removed from the field by the Charter language. Elam stated that she was unaware of such a requirement, but would research the issue and consult with Olson.

After some further discussion regarding petition and signature requirements and the routing of submitted petitions, the committee decided to table this discussion and adjourn.

C. Discuss date and time of upcoming meetings

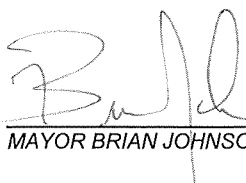
The Committee decided not to meet again until after the holidays, scheduling the next meeting for Thursday, January 3, at 6:30 p.m. During that meeting, representatives from McCall, Parkhurst & Horton, the City's bond counsel, and SAMCO Capital Markets, the City's financial advisors, will provide an overview of the authority of a City to issue various bonds and to answer any questions regarding potential Charter amendments related to debt issuance. In addition, the committee may discuss items including, but not limited to, the Economic Development Corporation (EDC) and single member districts.

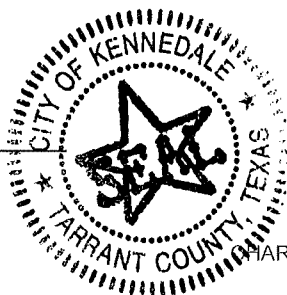
IV. ADJOURNMENT

Motion To Adjourn. Action Adjourn, Moved By John Clark, Seconded By Robert Mundy. Motion passed Unanimously.

Mayor Brian Johnson, Chair, adjourned the meeting at 8:35 p.m.

APPROVED:


MAYOR BRIAN JOHNSON, CHAIR



ATTEST:


LESLIE GALLOWAY, CITY SECRETARY