

MINUTES OF THE MEETING OF THE CITY OF HUNTSVILLE CHARTER REVIEW COMMITTEE HELD IN THE CONFERENCE ROOM AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 12th DAY OF MARCH 2013, AT 5:00PM.

Members present: James Anderson, John Escobedo, Maria McIver, Vanetta Mills, Rhonda Reddoch, Charles Smither, Jr., Mike Yawn, Bill Daugette

Members absent: None

Guests present: City Manager Matt Benoit, City Secretary Lee Woodward, Dominic Sklar, Kendall Scudder, Dick Lindeman, Tina Felder, Rich Heiland, Connie Heiland, Brandon Scott

1. **CALL TO ORDER** – Chair Rhonda Reddoch called the meeting to order at 5:02 p.m. The Committee decided approval of minutes would become part of the agenda with the next meeting.

2. **DISCUSSION/CONSIDERATION**

The Committee will hear presentations, discuss and may consider recommendations to the City Council on the following items:

- a. **Discussion of methodology for public input**

Mr. Yawn recommended following Mr. Smither's suggestion of accepting written input, completing the committee's process with dispatch and turning over any proposals to the City Council, where a process for public comment was already in place. Mr. Smither said he would feel more comfortable with at least one public session at least one meeting before the Committee handed the process over to the Council. Mr. Yawn agreed, withdrew his proposal, and noted the Committee could continue to receive written material. Mr. Daugette expressed concern about too many items coming up at the end of the process and Mr. Smither again noted the availability of written input throughout.

Mr. Yawn moved to accept written material and schedule a meeting for public comment at least one meeting prior to the Committee's submission to the Council. The motion passed unanimously. Mr. Lindeman expressed concern that public input could not be made on the issue. Mr. Smither and Chair Reddoch noted the Committee was open to suggestion but wished to review the Charter prior to engaging in decision-making.

- b. **Review of the current Charter and any other matters relating to potential Charter amendments**

Throughout, Chair Reddoch made notes for items the Committee was interested in receiving further information on from the City Attorney. Mr. Escobedo questioned the appropriateness in Section 2.01 of requiring annexation voters to be residents and qualified Texas voters, excluding tax-paying property owners who do not meet the requirement.

Mr. Smither discussed the City Attorney's answer that the City's power under state law to condemn could not be limited in Section 3.01. He also questioned whether "drainage" issues in Section 3.03 should be included or prohibited or if it was included in the term "public ways." Mr. Daugette seemed to feel that the legal process for acquiring easements, in concert with the current wording, might handle this. In 3.04, Mr. Daugette asked whether assessments for developing improvements was a relevant power and under what conditions it might still be used, noting a need for conditions and equal application when used.

Mr. Escobedo questioned the Section 3.04 suggestion the City could improve highways. Mr. Daugette focused on the accompanying terms "cause to be developed" and the City's ability to partner with the Texas Department of Transportation (TxDoT). In Article IV, Mr. Smither noted the Charter had several notations for removal of Councilmembers and asked if state law permitted these instances without holdover to an election. Mr. Yawn asked about remedies if Council did not declare an office vacant when the Charter deemed it should.

Section 4.02 brought a discussion from Mr. Daugette of extending Council terms to three years and possibly electing three members per year and presented his research (below). Mr. Yawn said he was not likely to vote for anything that changes terms or limits, citing concerns over modifying the electoral process being viewed as having a political bent. He added that he thought it would deserve its own

discussion with four or five town halls.

	2010 Census Total population	Type of City 1.home rule 2. general law 3.other	Management type 1.Council/Manager 2.Strong Mayor 3.other	Number of Council Members (M) excluding mayor	Representation 1.Wards 2.At-Large? 3. Both	Service term (years)	Term Limits? (Y or N)	Terms Permitted (U = no limit)	Election Month
Conroe	57,466	1	1	5	2	4	Y	2	May
San Marcos	44,894	1	1	6	2	3	N	U	November
Haltom City	42,409	1	1	7	2	2	Y	3	May
Wylie	41,427	1	1	6	2	3	N	U	May
Keller	39,627	1	1	6	2	3	N	U	November
Coppell	38,659	1	1	7	2	3	N	U	May
Huntsville	38,548	1	1	8	3	2	Y	4	November
Duncanville	38,524	1	1	6	3	2	N	U	May
Sherman	38,521	1	1	6	3	3	Y	2	November
Hurst	37,337	1	1	6	2	2	N	U	May
Burleson	36,690	1	1	6	2	2	N	U	May
Lufkin	35,067	1	1	6	1	3	N	U	April
Nacogdoches	32,996	1	1	4	1	2	N	U	May

To change to 3 year terms with current number of councilmembers:

CURRENT COUNCIL	2013 ELECTION	NOVEMBER 2013 VOTE FOR TERM ADJUSTMENTS	2014 ELECTION	2015 ELECTION	2016 ELECTION	2017 ELECTION	2018 ELECTION	2019 ELECTION
Mayor	Mayor	1 COUNCIL MEMBER ELECTED IN NOVEMBER 2013 WOULD HAVE TERM MODIFIED TO 1 YEAR 2 CURRENT AT LARGE MEMBERS WOULD HAVE TERMS EXTENDED 1 YEAR		Mayor			Mayor	
At large 1				At large 1			At large 1	
At large 2				At large 2			At large 2	
At large 3				At large 3			At large 3	
At large 4				At large 4			At large 4	
Ward 1	Ward 1			Ward 1			Ward 1	
Ward 2	Ward 2				Ward 2			Ward 2
Ward 3	Ward 3				Ward 3			Ward 3
Ward 4	Ward 4				Ward 4			Ward 4

To change to 3 year terms and eliminate 2 At Large positions:

CURRENT COUNCIL	2013 ELECTION	NOVEMBER 2013 VOTE FOR TERM ADJUSTMENTS	2014 ELECTION	2015 ELECTION	2016 ELECTION	2017 ELECTION	2018 ELECTION	2019 ELECTION
Mayor	Mayor	2 COUNCIL MEMBERS ELECTED IN NOVEMBER 2013 WOULD HAVE TERMS MODIFIED TO 3 YEARS 2 MEMBERS WOULD HAVE 2 YEAR TERMS		Mayor			Mayor	
At large 1			At large 1			At large 1		
At large 2			At large 2			At large 2		
Ward 1	Ward 1		Ward 1			Ward 1		
Ward 2	Ward 2		Ward 2			Ward 2		
Ward 3	Ward 3				Ward 3		Ward 3	
Ward 4	Ward 4				Ward 4		Ward 4	

Mr. Smither brought up the idea of a residency qualification for wards (currently only for City) and Mr. Escobedo expressed concerns with a minimum twelve-month requirement for seeking Council office. Mr. Yawn said he would likely oppose something that limited a person's ability to run for office, saying the voters should decide whether twelve months was enough. Mr. Escobedo also noted the age requirement was also limiting. Mr. Smither said the City Attorney had addressed the indebted and delinquent terms in 4.02, replying that the member should be given the opportunity to correct the issue before removal was pursued.

Mr. Yawn asked that subpoena powers in Section 4.05 be reviewed. Mr. Smither noted Section 4.06 appeared that the City Secretary was the only Charter Officer who could appoint their own assistants. The City Secretary said currently the Deputy City Secretary was hired by and reported to the City Manager, although the City Secretary was responsible for that individual's supervision and review. Mr. Yawn pointed out that City Secretaries in some cities report to the City Manager, but that in Huntsville they are a Charter Officer. The City Secretary recalled that some Municipal Clerk positions were called for in the Local Government Code and that other Municipal Court employees fell under the City Manager. Mr. Yawn said the City Attorney did not currently have a staff.

Mr. Daugette suggested cleanup reflecting electronic means for posting of the City Council minutes at the City library in Section 4.06. For Section 4.07, Mr. Smither said he thought the language was fairly clear but not always followed, while recognizing the need for accommodations and flexibility for disaster, expected public attendance, accessibility issues, etc. Mr. Escobedo relayed his concern that the Mayor or City Manager could call a meeting, but that it took a quorum of other Councilmembers to do the same. Mr. Daugette suggested it could be to show support for the items on the agenda to be considered. Mr. Yawn thought that perhaps a minority could call attention to an item even without the votes for passage, while

avoiding a member or two calling meetings often. He also noted that a meeting wouldn't occur without a quorum, thus resolving the issue.

This led into a discussion of meeting types, particularly how to deal with emergencies and who can call meetings. Mr. Smither asked for a definition of "qualified and serving" in Section 4.08, which Mr. Daugette said it meant a majority of Councilmembers present and voting at a meeting was not sufficient unless it equaled or exceeded a majority of Councils (without vacant positions). Mr. Smither asked what occurred if a Councilmember did not file a Conflict of Interest and was later officially deemed to have one. Mr. Daugette said the state ethics laws only nullified that member's vote, not then entire Council decision (unless the nullification then brought about a tie).

Section 4.09 review ended with a question about whether Conflict of Interest rules should be tightened. No issues were found with Sections 4.10 or 4.11. The Council-Manager form of government arose in Section 4.12, as the process potentially made a grievance political and in violation. Matt Benoit, City Manager, said he did not feel a public hearing was always in the public's best interest and did not believe it likely that any other Texas city with this form of government would permit such a process. Mr. Daugette said he had been through a Council hearing and found it very frustrating and political, adding that the City Council was reasonably excluded from other personnel decisions. He said all the Councilmembers who conducted his hearing told him they found it very disagreeable as well. Mr. Yawn said he was uncomfortable with the process but noted that such a hearing was an employee's choice and felt hearing from them would be helpful. Mr. Escobedo read the Council's job description excerpts from the Charter and said this was not part of it. Mr. Yawn noted a City Manager could be fired by the Council for a bad personnel decision and Mr. Benoit listed several state and federal provisions for recourse open to individuals who felt they had been wrongly terminated. Mr. Daugette suggested oversight of the Council by a professional might be needed and Mr. Escobedo again expressed this was an exception to what the Council should truly be able to do. Chair Reddoch agreed to look for comparable information in other city charters.

The Committee chose to review through Article VII for the next meeting.

3. ADJOURNMENT

Chair Reddoch adjourned the meeting at 6:45 pm.

**Respectfully submitted,
Lee Woodward, City Secretary**