

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 9th DAY OF APRIL 2013, AT 5:00PM.

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

Members absent: None

Guests present: City Secretary Lee Woodward, Brandon Scott, Tina Felder, Connie Heiland

1. **CALL TO ORDER** – Chair Rhonda Reddoch called the meeting to order at 5:05 p.m.

2. **DISCUSSION/CONSIDERATION**

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

a. **Approval of minutes**

Mr. Daugette moved to approve the minutes of the March 26, 2013 meeting and was seconded by Mr. Smither. The motion passed unanimously. Chair Reddoch asked for a consensus on public comment. Mr. Smither moved to permit it at the April 30, 2013 meeting, allowing a comment length of five minutes, and was seconded by Mr. Daugette. The committee agreed commenters be informed the Committee preferred to receive suggestions in writing. The motion passed without objection. (Later, without objection, the Committee decided the April 30 meeting should begin at 5:30 pm.)

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

Mr. Smither expressed concern that the City Charter and the City Council Rules of Procedure agree, saying he thought the Rules should add definitions for “qualified and serving” and “inquiry.” The Committee had no objection but felt it would be more appropriate as a suggestion from an individual and Mr. Smither agreed to address it that way.

Overall, there were no suggested changes or significant discussion for Sections 7.05, 7.06, 8.02, 8.06, 10.01-10.05, 11.01, 11.03-11.05, 11.08, 11.11-12, or 11.14-11.15. In reference to Section 7.01, Mr. Daugette noted many cities used percentages. Mr. Smither, on 7.02, asked if petitioners or the Council chose whether the item in question would be “repealed” or “submitted to a vote of the people” since the result is the same. Discussion pursued about what would happen if the Council neither repealed nor enforced the legislation. Section 7.03 conversation addressed whether the petition requirements were set by the state. The City Secretary noted that the Charter required the signer’s ward or precinct number, which is not required by the state. For general petitions, the state requires a date of birth or voter registration number, but the Charter makes the number a requirement.

Mr. Yawn asked the City Secretary about the ability to supplement a petition in relation to Section 7.04, confirming that a supplement must be turned in at least ten days prior to the deadline and the supplemental submission must still meet the original deadline. (Later, the City Secretary read from the Secretary of State website, noting that qualification for supplementing was based on overall signature count, not verified signatures.)

On Section 7.07, Mr. Yawn pointed out that voter turnout had increased since the City moved to November elections, likely changing the percentage of signers needed to recall a duly-elected official. Mr. Daugette offered to bring a spreadsheet he had done on this at other cities. Mr. Yawn noted some elections fell in an election with a gubernatorial or presidential election, thereby affecting the percentage of signers needed. Mr. Smither and Mr. Yawn discussed in 7.08 that petition signers to recall a Ward Councilmember could live anywhere in the City. Mr. Smither asked about ties in 7.09 and Mr. Yawn noted that a majority was necessary. Mr. Escobedo brought up an example of criminal conduct in relation to Section 7.10.

Mr. Yawn highlighted Section 8.01 and its relation to the discussion of the City Council hearing personnel appeals. Mr. Smither received confirmation that, in relation to 8.03, if the creation or abolition of departments would be done by the City Council. He noted the term “inquiry” in 8.04 and Mr. Yawn said he thought it reflected the Council’s ability to act as an investigative body. Mr. Daugette said he thought it provided a unique situation for the Council to seek information from staff. 8.05 brought a question from Mr. Smither about current practice. The City Secretary found relevant sections from the Rules of Procedure.

Mr. Daugette asked about 9.01 and Mr. Smither noted the City Attorney could object to Council changes in his drafts, or to other drafts. Mr. Yawn expressed interest in 10.03 that the Municipal Judge did not appoint the Court Clerk, although he felt it was appropriately written. The Committee generally requested that the City Attorney and Interim Finance Director review Article XI. Mr. Smither asked about the use of “non-certified basis” in 11.02(f) and expressed concern about the ability of the City to use year-end surplus from enterprise funds for other purposes, because they were fees

charged to consumers to pay for the utility. He suggested recommending a limit above which the City would be required to have a public vote. Mr. Daugette said he believed there was currently a requirement to notify voters when this was done. Section 11.06 brought a question as to whether there was a limit for budget transfers. Mr. Smither thought it was in the budget procedures. "...in any fiscal year" in Section 11.07 raised a question as to whether it was the year in which the money was borrowed or in the next year. Reading Section 11.10, Mr. Smither asked if the City was permitted to borrow without issuing bonds, such as for a cash flow situation, as the wording included "and." Mr. Daugette asked that "19__" be updated to "20__." The Committee asked the City Attorney to review the procedures and timetable in Section 11.13 and noted no one recalled sealed bids being opened at a Council meeting. On 11.16, Mr. Smither asked why the City conducted an RFQ process. He also noted cost has been an issue in past years, that not many local CPAs were interested in the work and that out of town firms were a large expenditure. Mr. Daugette suggested that a limit be placed on how many years in a row the same firm could be selected. Mr. Smither asked in Section 11.17 about defining the number of voters applicable under "votes cast at the City election," whether one would count vote totals of all voting a City ballot versus all voting on that item (noting there could also be a general election or other special elections on the same ballot).

3. ADJOURNMENT

Chair Reddoch adjourned the meeting at 6:31 pm.

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