



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

CHARTER COMMISSION MINUTES

December 16, 2015

I. CALL TO ORDER

A Regular Meeting of the Fulshear Charter Commission was called to order by Chair CJ McDaniel at 6:33 pm on Tuesday, December 16, 2015 in Irene Stern Community Center at 6920 Katy-Fulshear Road, Fulshear Texas and all citizens were welcomed.

Members Present:

Bill Archer

Erma Beal

John Dowdall

Cherryl Finney

Ken Knapp

C.J. McDaniel

James Molina

D.E. (Gene) Morgan

Kent Pool

Polly Royer

Randy Stacy

Members Absent:

Larry Beustring

Carolyn Randle

City Staff Present:

Tommy Kuykendall, Mayor

CJ Snipes, City Administrator

Michael Ross, Assistant City Administrator

Lynn Raymer, Executive Assistant

Others Present:

Shannon Purcell, West Fort Bend Buzz

Tricia Krenek, Council Member

Ramona Ridge, Council Member

Grady Randle, Randle Law Firm

Byron Brown, Randle Law Firm



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Daniel McJunkin, Mayor of Simonton

Stephen Gill

Kaye Kahlich

Alena Heede

Viola Randle

Sherri Bement

II. QUORUM

A quorum was present.

III. APPROVE MINUTES

MOTION by Member Dowdall to approve the December 8, 2015 Minutes.

SECOND by Member Royer.

Motion was carried by the following vote:

Ayes: All in favor

Nays: None opposed

IV. COMMENTS FROM THE PUBLIC (for matters not on the agenda)

No comments from the public

V. DISCUSSION OF AND POSSIBLE ACTION ON

A. *Approval of final draft of proposed Charter for the City of Fulshear*

Attorney Randle confirmed that all Charter Members have both a copy of the Proposed Home Rule Charter (Attachment 1) and copy of changes to Sections 3.03, 3.08, 3.09, 5.06, 7.03, 7.04, and 7.05 (Attachment 2). Referring to Attachment 2, Attorney Randle addressed:

Section 3.03 Number, Selection, and Term of Council Members

Attorney Randle explained that the last sentence of this section was rearranged grammatically for clarity, and now reads "For only the at-large Council Member positions, the City Council may, by ordinance, establish additional qualifications for candidates, establish no more than two districts within which a candidate must reside, or both."

Member Morgan requested clarification of the term "or both" to which Attorney Randle indicated the term "or both" means City Council can establish additional qualifications and City Council can establish districts. Member Archer expressed that this language



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may provide future City Council's with the ability to make necessary changes related to Department of Justice scrutiny.

Attorney Randle indicated that in about 4 years, after the full transition has been implemented, a Charter amendment can be made to readdress the issue.

Attorney Randle asked Members if they wanted to vote on each Section individually or as a group to which Members decided to vote on the topics as a group rather than each topic individually.

Section 3.08 Powers and Duties of the Mayor

Item C "The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes and by the governor for purposes of military law" recognizes that the Mayor is the presiding officer of City Council and also the head of the City government for ceremonial purposes. Additionally, although state law indicates the Mayor is the city's emergency management head, this provides additional language supporting this as well as providing the Mayor with the power to give the State of the City address and preside at City Council meetings.

Item D "The Mayor shall, when authorized as necessary by the City Council, sign all official documents" provides language which indicates that City Council authorizes the Mayor to sign official documents.

Section 3.09 City Council Meetings

Item F "At the first regular meeting of the City Council after each general election, the City Council shall elect one Council Member to serve as Mayor Pro Tempore until the City's next general election. If the Mayor fails, is unable, or refuses to act, the Mayor Pro Tempore shall perform the Mayor's duties. If the Mayor and the Mayor Pro Tempore are both absent, any Council Member may be appointed to preside at the meeting." This provides for a designated Council Member to preside at a meeting during the Mayor's incapacity or absence.

Section 5.06 Exemption from Garnishment

Attorney Randle indicated that the addition of this section ensures the City's funds are not subject to garnishment.



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Section 7.03 Petitions for Initiative, Specifically

Section 7.04 Petitions for Referendum, Specifically

Section 7.05 Petitions for Recall, Specifically

Attorney Randle indicated that the language "at the City's last general election" has been added to Sections 7.03(a), 7.04(a), and 7.05(a). This language identifies a specific time to use for the determination of the number of signatures required for initiative, referendum, and recall petitions.

Referring to the Proposed Home Rule Charter document, page 9, Section 4.05 Municipal Judge, Attorney Randle read "The City Council shall appoint the Municipal Judge." Attorney Randle indicated that, in the future, the City may want to appoint additional associate judges, and proposed that the language be amended to read "The City Council shall appoint Municipal Judge(s)."

MOTION by Member Archer to adopt the proposed changes to Sections 3.03, 3.08, 3.09, 4.05, 5.06, 7.03, 7.04, and 7.05.

SECOND by Member Molina.

Further discussion regarding adoption of the above Sections. Attorney Randle indicated that all the changes highlighted in yellow are already reflected in the Proposed Home Rule Charter handout, with the exception of the proposed amendment to Section 4.05.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Chair McDaniel indicated that the Proposed Home Rule Charter document is now complete and asked Members if they had additional questions or comments or would like to review any specific sections.

Attorney Randle indicated that if the Proposed Home Rule Charter is approved this evening, the City Council is required to call a charter election by no later than February 19, 2016. The Commission may still reconvene if the second opinion comes up with something that the Commission would like to consider and either reject or adopt. If, however, there is nothing to reconsider after the second opinion, the Commission does not need to meet again.

Members asked if the Open Meeting Rules still apply to Commission Members even if the document is complete to which Attorney Randle confirmed that it does apply. Additionally, if City Council wants to meet and have a work shop on the Charter, the



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Commission Members can reconvene. The next step would be to provide the document to all registered voters.

MOTION by Member Molina to approve the Proposed Home Rule Charter as amended.

SECOND by Member Stacy.

Further discussion regarding approval of the Proposed Home Rule Charter.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

B. Complete Work of Commission and Adjourn

Attorney Randle indicated that, upon adjourning, the work of the Charter Commission will be complete.

Members expressed their appreciation of the support provided by Attorney's Randle and Brown as well as the support provided by the City.

Chair McDaniel indicated that, following a decision by the City Council at their regularly scheduled Tuesday, December 15, 2015 City Council Meeting, a third party review of the content would be completed by a firm in San Antonio with their feedback provided to the City by 5:00 pm on December 29, 2015.

Members asked how to share the importance of Home Rule status with the community. Chair McDaniel indicated that Simonton Mayor Daniel McJunkin and Fulshear Magazine will include a story about the Home Rule Charter and the process in the upcoming Spring issue of the magazine. Additionally, the Houston Chronicle and West Fort Bend Buzz newspapers will likely cover the Home Rule Charter and process as well.

Member Stacy asked for a description of the remaining official process, to which Attorney Randle responded that state law requires the City Secretary to mail a copy of the proposed Charter to each registered voter in the City of Fulshear before the 30th day before the election. Mr. Snipes indicated that the Charter will also be posted on the City website and welcomes any questions by the public. Additionally, Mr. Snipes indicated that it would be beneficial to have a public meeting, such as town hall meeting, to provide information to the public.

Chair McDaniel asked how to respond to members of the community that may have questions regarding various aspects of the Charter. Attorney Randle indicated that each



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Member is welcome to answer any questions by the public to the best of their ability. Additionally, they may encourage the public to review the agendas and minutes that are posted on the City website.

Member Archer introduced Ms. Viola Randle, who was the 3rd Mayor of Fulshear, indicating that Ms. Randle is a wealth of information regarding the growth and progression of Fulshear.

VI. ADJORNMENT

MOTION by Member Archer to adjourn.

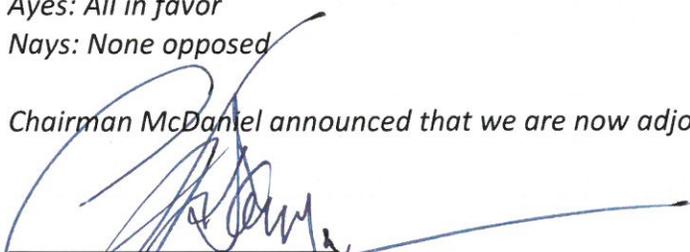
SECOND by Member Molina.

Motion carried with the following vote:

Ayes: All in favor

Nays: None opposed

Chairman McDaniel announced that we are now adjourned.


C.J. McDaniel – Chairman

Attest:


Lynn Raymer – Executive Assistant