

Charter Review Commission Meeting Minutes

The Charter Review Commission of the City of Kyle, Texas met in Regular Session on June 15, 2020 at Kyle City Hall 100 W. Center Street Kyle, Texas 78640, and due to COVID-19, some members attended virtually (VR) at <https://meetings.ringcentral.com/j/1493610016> with the following persons present:

Joe Ryan, Commissioner
David Vail, Commissioner
Diane Hervol, Commissioner
Mark Trahan, Commissioner (VR)
Brett Corwin, Commissioner (VR)
Scott Sellers, City Manager (VR)
Jennifer Vetrano, City Secretary
Carla Sheridan, Assistant City Secretary

Lori Huey

I. Call Meeting to Order

Chairwoman Hervol called the meeting to order at 6:02 p.m.

Present were: Joe Ryan, David Vail, Diane Hervol, Mark Trahan, and Brett Corwin. A quorum was present. Louis Craig was absent.

II. Approval of Minutes

1. Charter Review Minutes - June 8, 2020.

Joe Ryan moved to approve the minutes of June 8, 2020 Charter Review Commission meeting, with the correction to exclude Lori Huey's name. David Vail seconded the motion. All votes aye; motion carried 5-0.

III. Citizen Comment Period with Charter Review Commission

Any citizen wishing to provide commentary should join the meeting 15 minutes in advance either by video or phone call by the below methods:

Join from PC, Mac, Linux, iOS or Android: <https://meetings.ringcentral.com/j/1493610016>

Or iPhone one-tap :

US: +1(800)3368975,,1493610016#

Or Telephone:

US: +1(800)3368975 Meeting ID: 149 361 0016 Citizens shall remain muted until called upon.

Chairwoman Diane Hervol opened citizen comments at 6:04 p.m. With no one wishing to speak, Chairwoman Hervol closed citizen comments at 6:04 p.m.

IV. General Discussion and Possible Action

2. Review, Discuss, and possibly take action on proposed changes to the City Charter
 1. Part 1 Sections 1-4
 2. Part 1 Sections 5-8

Chairwoman Diane Hervol brought forward Agenda Item 2.1 for discussion.

Part 1 Section 1.07 proposed edits discussed.

Commissioner Joe Ryan moved to approve the replacement of changes to Part 1 Section 1.07, as notated below. Commissioner David Vail seconded the motion. All votes aye; motion carried 5-0.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of property, or upon a petition signed by a majority of the property owners in a platted subdivision. The council may disannex or release extraterritorial jurisdiction when in the best interest of the city. The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, will be applied in a manner consistent with applicable State law. Prior to exercising said rights two public hearings will be held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation throughout the city. Additionally, notices will appear in any official means of public dissemination.~~The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after two public hearings are held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation in the city.~~ Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

Part 1 Section 2.01 proposed edits discussed.

Commissioner Brett Corwin moved to approve the replacement of changes to Part 1 Section 2.01, as notated below. Commissioner David Vail seconded the motion. All votes aye; motion carried 5-0.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as existed on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, ~~with or without the consent of any voter or of any landowner in the affected area~~ in compliance with state law. See also Section 1.07.

Part 1 Section 3.04 Vacancies in Office proposed edits discussed.

The Commissioner's will bring back to next meeting with language for possible changes to Part 1 Sections 3:01, 3.02, 3.04 after reviewing the Texas Constitution and Election Code.

Part 1 Section 3:09 Compensation proposed edits discussed.

Commissioner Trahan will provide language for suggested changes to Ms. Vetrano to discuss during the next Charter Review Commission meeting.

Chairwoman Hervol brought forward Agenda Item 2.2 for discussion.

Part 1 Section 5.01 Notice and Order for Elections proposed edits discussed.

Commissioner Vail stated the only thing he would change to Section 5.01 would be to add "all official forms of communication".

Ms. Vetrano asked for clarification on the proposed changes to Part 1 Section 4.07 Emergency Ordinances.

Commissioner David Vail moved to approve the replacement of changes to Part 1 Section 4.07, as notated below. Commissioner Joe Ryan seconded the motion. All votes aye; motion carried 5-0.

Sec. 4.07. - Emergency Ordinances.

The city council may adopt emergency ordinances to meet an emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City. Such ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates or fees charged by any public utility. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance shall require the affirmative vote of at least five (5) members of the city council, and may be adopted with or without amendment or rejected at the meeting at which it is introduced. If adopted, the ordinance shall take effect immediately and the caption of the ordinance shall be published in one successive issue of a newspaper of general circulation in the City and be posted throughout all official communication forms. Every emergency ordinance shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.

Commissioner David Vail moved to approve the replacement of changes to Part 1 Section 5.01, as notated below. Chairwoman Diane Hervol seconded the motion. All votes aye; motion carried 5-0.

Sec. 5.01. - Notice and Order for Elections.

City elections shall be ordered and notice thereof given as provided in the Texas Election Code, and the council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all

elections shall be ordered at least thirty (30) days prior to the date of election and notice of the election shall be given as required by applicable law. Notice of election shall be published in a newspaper published within the city, and if there be no such publication notice shall be published in a newspaper of general circulation within the city and all official forms of communication.
(Res. No. 1126 , 11-20-2018)

Ms. Vetrano brought up for consideration Section 5.03 Special Elections held on a Saturday.

Commissioner Brett Corwin moved to approve the replacement of changes to Part 1 Section 5.03, as notated below. Commissioner David Vail seconded the motion. Motion carried 4-0 with Commissioner Mark Trahan dissenting.

Sec. 5.03. - Special Elections.

The council may by ordinance call such special elections as are authorized by this charter or state law, fix the time of holding such elections, and provide all means for holding such special elections; provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law or this charter.

Part 1 Section 5.04 Conduct of Elections proposed edits discussed.

The Commissioners are seeking advice from city attorney on the use of the language shall or may in Part 1 Section 5.04, as notated below.

Section 5.04. - Conduct of Elections.

All elections shall be held in accordance with state law and the ordinances adopted by the council for the conduct of elections. The council shall-may appoint the election judges, provide for other election officials, and establish and alter the voting precincts by ordinance. In the absence of state law providing regulations for the conduct of any election the council shall provide such regulations by ordinance.

Part 1 Section 5.05 Filing for Office proposed edits discussed.

After clarification from Ms. Vetrano, no changes were made to Part 1 Section 5.05. Chairwoman Hervol stated the item may be revisited later.

Part 1 Section 5.06 Polling Places proposed edits discussed.

Commissioner David Vail moved to approve the replacement of changes to Part 1 Section 5.06, as notated below. Commissioner Joe Ryan seconded the motion. All votes aye; motion carried 5-0.

Section 5.06. - Polling Places.

The council shall establish one or more election precincts and provide polling places as necessary for city elections. Until established otherwise by ordinance, the entire city shall be one election precinct and the city hall or the city hall annex shall be ~~the~~ a polling place for all city elections.

Part 1 Section 5.12 Term of Office to be revisited after determining appointment for vacancy.

Part 1 Section 6.03 Referendum, Council initiated referendum to be considered. Mr. Sellers will bring forward information to the next Charter Review Commission meeting.

Part 1 Section 6.05 Signatures, Commissioner Mark Trahan researching.

Part 1 Section 6.09 Action on Petition, Commissioner Mark Trahan asked for clarification on language from the city attorney.

Part 1 Section 6.10. - Procedure and Results of Election proposed changes discussed.

Commissioner David Vail moved to approve the replacement of changes to Part 1 Section 6.10, as notated below. Commissioner Joe Ryan seconded the motion. All votes aye; motion carried 5-0.

Section 6.10. - Procedure and Results of Election.

Not more than thirty (30) and not less than fifteen (15) days prior to the special election, the city secretary shall cause the proposed or referred ordinance to be published in its entirety in all official forms of communication and referenced at least once in a newspaper of general circulation in the city.

Part 1 Section Sec. 7.01. - City Manager proposed changes discussed. No action taken.

The Charter Review Commission ended their review of the Charter for the June 15th meeting after Section 7.11.

3. Discuss and consider one or more Citizen Workshops.

Chairwoman Hervol brought forward Item No. 3 for discussion.

The Commissioners set a Citizen Workshop to be held on June 22, 2020 during the Charter Review Commission Meeting beginning at 6:00 p.m.

4. Items for following Agenda.

Chairwoman Hervol brought forward Item No. 4 for discussion. The Commissioner's discussed setting the next Agenda to include Items 8-10.

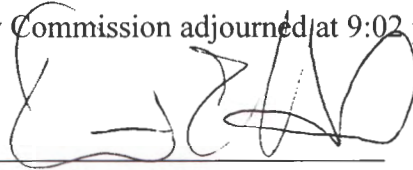
V. Executive Session

There was no Executive Session.

VI. Adjourn

Commissioner Joe Ryan moved to adjourn. Commissioner David Vail seconded the motion. All votes aye; motion carried 5-0.

With no further business to discuss, the Charter Review Commission adjourned at 9:02 p.m.



Diane Hervol, Chairwoman

Attest:


Jennifer A. Vetrano, City Secretary