

MINUTES
CITY OF LIVE OAK
CHARTER REVIEW COMMITTEE
WILL BE HELD IN THE LIVE OAK COUNCIL CHAMBERS
8001 SHIN OAK DRIVE, LIVE OAK, TEXAS 78233
WEDNESDAY, OCTOBER 10, 2012 AT 7:00 PM

1. CALL TO ORDER

The Charter Review Committee meeting was called to order at 7:00pm.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation and Pledge completed.

3. ROLL CALL

Pat Kauts
Rebecca Kochan
Richard Lamothe, Chairman
Bill Towery
Roy Schauffele, Vice Chairman
Jose Perez
Joe Painter

Julie Palmer, Executive Assistant
Mayor Mary M. Denffis
Charlie Zech, City Attorney

Chairman Lamothe was unable to chair the meeting due to vision problems and therefore passed the meeting over to Vice Chairman, Schauffele.

4. CONSENT AGENDA

- a. Approval of Minutes: September 12, 2012

Committee Member Painter made a motion to approve the Consent Agenda; seconded by Committee Member Lamothe.

Abstained: Schauffele

Vote FOR: Kauts, Towery, Kochan, Lamothe, Painter and Perez, – passed 6/0

5. NEW BUSINESS

- a. Discussion and possible action for specific proposed Charter revisions to City of Live Oak Charter **Article V. City Manager** and consensus to forward to City Attorney for review.

Article V. Section 5.01 (a) Appointment; qualifications; compensation: Committee Member Lamothe discussed the territorial boundaries of the city and that they are not formally recognized as such. Committee Member Painter asked for a legal opinion as to

whether it is illegal for the city to require residency. After brief discussion with Attorney Zech and committee members, it was determined that due to the city not having an ETJ, the sentence regarding territorial and extraterritorial boundaries was moot. The Charter, however does state that the city manager must be “or become” a resident of the City of Live Oak within six (6) months from the date of his/her appointment.

Committee Member Lamothe made a motion to delete the sentence in Section 5.01(a): ***The residency requirements shall be deemed to be satisfied if the city manager resides within either the territorial or extraterritorial limits of the City of Live Oak;*** seconded by committee member Kauts

Vote FOR: Kauts, Towery, Kochan, Lamothe, Schaufefe, Painter and Perez, – passed 7/0

Article IV, Section 4.05 Mayor: Committee Member Towery brought up the mayoral duties and stated that until it is determined what her duties are regarding whether or not he/she can vote, the committee should refrain from any revisions until a determination has been reached.

Vice Chairman Schaufefe stated that we could proceed with the change in residency requirements for the city manager and then go back to the mayoral duties since the documents will have to be reconciled at some point.

Article V. Section 5.01 (b) Powers and duties of city manager: Committee Member Painter recommended using a super majority (4 out of 5) for termination or any other action against the city manager. He would prefer to have a super majority vote for appointment and termination of the city manager.

Vice Chairman Schaufefe asked for a consensus of the committee to put the verbiage in the hands of the City’s attorney regarding a super majority of votes from elected officials for the appointment and removal of the city manager.

Vote FOR: Kauts, Towery, Kochan, Lamothe, Schaufefe, Painter and Perez, – passed 7/0

Committee Member Lamothe asked attorney Zech when he could provide his legal review. He said he would provide it at the next meeting.

Article V. Section 5.03 Acting City Manager: Committee Member Perez made a motion to revise the verbiage to read (in the second sentence): ***subject to approval of the super majority of council,*** in keeping in accordance with other revised sections of the charter; seconded by Committee Member Lamothe

Vote FOR: Kauts, Towery, Kochan, Lamothe, Schaufefe, Painter and Perez, – passed 7/0

- b. Discussion and possible action to include next meeting date-November 14, 2012.

Committee Member Kauts made a motion to move the date of the next Charter Review Committee meeting to November 7, 2012 due to the TML Convention the following week; seconded by Committee Member Painter.

Vote FOR: Kauts, Towery, Kochan, Lamothe, Schaufefe, Painter and Perez, – passed 7/0

6. CITIZEN COMMENTS

a. Comments by citizens on issues discussed by the Committee.

There were no citizen comments.

7. ADJOURNMENT

As there was no further business, Committee Member Lamothe made a motion to adjourn; seconded by Committee Member Kauts. The meeting was adjourned at 7:25pm.

ATTEST:


Julie Palmer, Executive Assistant

ATTEST:


Roy Schaufefe, Vice Chairman