

MINUTES

HOME RULE CHARTER COMMISSION (HRCC) MEETING

November 12, 2019

CALL TO ORDER – Roll Call and Determination of a Quorum

The Home Rule Charter Commission (HRCC) met on the above date. Chair Macduff called the meeting to order at 7 p.m. and noted there was a quorum. Alternate Terry Lynch stepped in to replace Commissioner Fecht due to his absence.

HOME RULE CHARTER COMMISSION MEMBERS AND ALTERNATES

HRCC Members

- ✓ 1. Z Marshall
- ✓ 2. James A. “Andy” Redmond
- ✓ 3. Billy Barron (Secretary)
- ✓ 4. David Gilmore
- ✓ 5. Tom Macduff (Chair)
- ✓ 6. Randy Kercho
- ✓ 7. Homer Adams II
- X 8. Todd Fecht
- X 9. Scott Livesay

HRCC Alternates

- ✓ 1. Terry M. Lynch (Replacing Commissioner Fecht for this meeting)

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Billy Barron led the pledge.

TEXAS PLEDGE: Homer Adams led the pledge.

PUBLIC COMMENTS

Absent Commissioner Livesay sent an email which is an exhibit to these minutes.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND APPROVAL OF MEETING MINUTES FOR OCTOBER 20, 2019. [BARRON]

MOTION: Commissioner Marshall moved to approve the consent agenda. Vice Chair Kercho seconded. Motion carried unanimously.

2. DISCUSS FUTURE 2020 MEETING DATES/TIMES [MACDUFF/SHELBY]

The next meeting will be December 10th at 7PM. The next two meetings after that will be January 14th and 28th also at 7PM.

City Attorney Brandon Shelby will no longer be the legal advisor for the Commission due to scheduling and conflict of interest concerns. Former Mayor Pro Tem and HRCC Chairman Scott Levine will take over this role.

3. WORK SESSION. [MACDUFF/SHELBY]

Commissioner Gilmore said that the commission should write job descriptions for Mayor, City Administrator/Manager, and Council instead of just picking a form of government first. The form of government would be a result of those descriptions.

Commissioner Adams had previously stated general law in the previous meeting, but now probably prefers City Administrator over City Manager.

Commissioner Marshall stated that if the Commission is going to stay with Mayor Council form of government, it may not be worth the time and effort to continue this process unless the Commission can come up with some strong reasons why Home Rule is better. Commissioner Barron said that every person he had spoken to around town that wasn't present was in favor of the Charter and the Council-Manager form of government. Vice Chair Kercho felt that there was enough weight on Home Rule to go with it over General Law.

Chair Macduff reminded the Commission that all our surrounding cities are Council-Manager.

Vice Chair Kercho has been developing a spreadsheet comparing the governments of Lucas (Council-Manager), Prosper (Council-Manager), Katy (Mayor-Council) and Parker (General Law). He stated that it was clear the Commission had a lot of work ahead to write the Charter. He hopes that he can present this spreadsheet at the next HRCC meeting. He did note that Parker had fewer checks on Mayor than Katy did.

Commissioner Marshall said Home Rule is not a hot bed topic in town. The Commission will need to explain it to the citizens.

Chair Macduff asked all the Commissioners to fill out the survey in the HRCC binder before the next meeting.

The commission reviewed the questions list for other cities. Many questions were removed as they either could be answered by reading the charter or were state law requirements.

Chair Macduff stated that the Preamble needs to state who we are as a city.

ROUTINE ITEMS

4. FUTURE AGENDA ITEMS

Not discussed

5. ADJOURN

Chair Macduff adjourned the meeting at 8:06 p.m.



Minutes Approved on 15th day of January, 2020.


Chairperson Tom Macduff

Billy Barron
Commission Secretary Billy Barron

Attest:

Patti Scott Grey
City Secretary Patti Scott Grey

Exhibit(s):

1- Commissioner Livesay Email

From: [Scott & Therese Livesay](#)
To: [Patti Grey](#): [REDACTED]
Subject: HRCC Meeting on November 12th
Date: Sunday, November 10, 2019 11:54:07 AM

Tom / Randy:

First, my apologies, but I will not be attending the HRCC Meeting this Tuesday, November 12th. Unfortunately, there has been a death in my family and the funeral will be on Tuesday.

I was looking forward to engaging in a conversation about the following topics which I believe pertinent, and would appreciate it if you would offer this to the commission for discussion.

I believe that we will continue to require the City Council and the Major of the City of Parker to be residence of the City, whether we set the residency criteria to be twelve months or twenty four months. Given we continue with that criteria, it would seem reasonable to assume we will continue to have mayoral candidates that run for that office. A City Manager or City Administrator on the other hand isn't required to live in the City of Parker, but is rather brought here for their expertise in a paid position. It would probably restrict our candidate pool if we required those positions to be citizens of the City of Parker.

Given these statements reflect the premise going forward, I have a concern for the need to make the Mayor's position a compensated position. First, of course, is the requirement for the Mayor to reside In the City. It doesn't seem likely that a mayoral candidate would move to the City for a paid position, unless the salary was very attractive (6 digits plus). The result will be we remain with the mayoral candidates that are Parker citizens, as we have in the past. Part of the drive to compensating the position is based on the increasing complexity expected as Parker grows in population. That seems to be further out than in the two or three years, and raises questions about what becomes more complex in the Parker structure when there is 6,000 population versus 4,000 population. I don't see the added population driving a dynamic shift in the mayors requirements. As mentioned last month, this seems to be a solution that we can engage, but it also seems a resolution to a problem we haven't encountered to date. It may be prudent to go forward without the salaried position requirements, and leave that for amendments to the Charter if the necessity develops.

In discussing the merits of a Manager/Council versus a Mayor/Council last month, there was mention of the concern about the authority for a City Manager and how to constrain it. This embodies the concern that Parker is relatively unique in its rural approach, not having businesses with taxes and concessions, traffic and parking concerns, and associated fire and police activity that go with it. The conversation last month discussed concerns of a City Manager having capabilities that could alter how Parker is structured,

deals with contractors/developers, utility considerations, and so forth. As we talk through this, consider that an experienced City Manager would likely come from an environment different than Parker, which is what we discussed wanting to constrain. Again, maybe we consider changing the government structure in a future amendment versus changing it in the initial conversion to Home Rule, which would not drive the inclusion of restrictions and conditions. Part of our discussion was the control the City Council has over a City Manager, which is to remove him/her from their position if the council finds fault in their actions. However, the City may still be held accountable to those actions, as a City Manager's authority won't generally be questioned by contractors/developers/3rd parties, since the City Manager has the authority to represent the city.

Again, sorry to miss the meeting. Hope we have a lively and positive debate.

Regards:

Scott Livesay