

**BASTROP CHARTER REVIEW COMMITTEE  
MINUTES OF MEETING  
JUNE 28, 2010**

The Bastrop Charter Review Committee met on Monday, June 28, 2010 at 7:00 p.m. in the Bastrop City Hall Council Chambers, 904 Main Street. Members present were Chairman Ken Kesselus, Debbie Moore, Willie DeLaRosa, Karen Pinard, Reverend R. D. Smith, Lisa Tantaksinanukij and Camilo (Cam) Chavez, III.

1. CALL TO ORDER AND ROLL CALL.

At 7:00 p.m., Chairman Ken Kesselus called the meeting to order. City Secretary, Teresa Valdez conducted a silent roll call.

2. APPROVAL OF MINUTES OF APRIL 15, 2010 AND MAY 13, 2010.

Debbie Moore moved to approve the Minutes of April 15, 2010. Seconded by Willie DeLaRosa and carried unanimously. Karen Pinard moved to approve the Minutes of May 13, 2010 with a typographical correction. Seconded by Cam Chavez and carried unanimously.

3. DISCUSSION AND POSSIBLE ACTION ON INFORMATION RECEIVED FROM PUBLIC HEARING AND POSSIBLE ACTION ON RECOMMENDATIONS ON CHARTER AMENDMENTS TO THE BASTROP CITY COUNCIL.

- A. ARTICLE III, SECTION 3.02
- B. ARTICLE III, SECTION 3.08
- C. ARTICLE XII, SECTION 12.01

Chairman Ken Kesselus proposed the following procedure for the meeting tonight:

- I. Take each item one at a time as far as possible and complete work on it before moving on to other issues.
- II. On each item, take an initial "straw vote", a preliminary indication of where we stand after having considered what we heard at the public hearing.
  - A. If the preliminary vote is overwhelming or unanimous,
    - 1. Proceed immediately to the final vote.
      - a. If the final vote remains overwhelming or unanimous
        - (1) and it is against recommending change, move on to the next item
        - (2) or if it is in favor of recommending a change
          - (a) list reasons why we are making the proposal
          - (b) give the minority a chance to register a desire to make a minority report, and if there is such a desire, authorize the minority to prepare a minority report and submit it to the Council and designate someone to be in charge of executing this task.
  - B. If the preliminary vote is close, allow time for discussion before taking the final vote. After taking the final vote, proceed as above.

Chairman Kesselus then opened discussion on Charter Article III, Section 3.02(a). Mr. Kesselus stated this Article states that the City Council is composed of 5 Council members and the Mayor, for a total of 6 members.

Debbie Moore stated the Committee had taken information provided by the City Manager on other cities the size of Bastrop and took into account the anticipated growth. Ms. Moore stated adding another Council member would be pro-active. Ms. Moore stated she would rather leave it at 5 members and a Mayor then give the Mayor a right to vote, if the Mayor's authority remains as it currently is stated in the Charter. Ms. Moore stated she would feel better if the Committee discussed and make a decision on whether to recommend to Council giving the Mayor the right to vote.

Chairman Kesselus then opened discussion on Charter Article III, Section 3.08 which states that the Mayor only votes "in the event of a tie or for purposes of elections".

Ms. Moore stated right now the Mayor appoints committees and board members and has other authority which provides checks and balances. Ms. Moore stated she would like it to stay that way.

Karen Pinard stated she believed a additional member should be added to the Council but the Mayor should not vote on every issue.

Lisa Tantaksinanukij stated if an additional member was added to Council there would probably be more tie votes and the Mayor would have the opportunity to vote more often. Ms. Tantaksinanukij stated she was against the Mayor voting on all issues.

Willie DeLaRosa stated he did not have a problem with what was in the Charter currently. Mr. DeLaRosa stated everyone is wrapped up in the duties the current Mayor is giving Council Members but the previous Mayors and the next Mayor may not assign such duties. He thinks the time is coming with the City's growth and population for an increase in the number Council Members, but he did not think the time was now to add members.

Cam Chavez stated he thought it was fine as it currently is and he did not see an issue.

Reverend R. D. Smith stated: "If it isn't broke, don't fix it".

Chairman Kesselus stated he had spoken with former Mayor David Lock and Mayor Lock was in favor of the Mayor voting.

Chairman Kesselus stated his position on this matter. He said that for him it was a matter of respect for the Mayor to let him vote on all issues and that it is a good idea for the citizens to know where the Mayor stands on all issues. He also noted a local model, the Bastrop Independent School District School Board that has seven members with a voting president.

Chairman Kesselus then called for a formal vote on the matter. Chairman Kesselus asked who was in favor of making a recommendation to Council to amend the Charter, Article III, Section 3.08 to allow the Mayor to vote in all instances.

FOR RECOMMENDATION: Ken Kesselus

AGAINST RECOMMENDATION: Cam Chavez, Karen Pinard, Debbie Moore, Lisa Tantaksinanukij, Reverend R.D. Smith, Willie DeLaRosa

No recommendation on this item will be made to the City Council.

Chairman Kesselus then re-opened discussion on Charter Article III, Section 3.02(a). Chairman Kesselus referred to previous discussion by the Committee that this may be the time to be proactive and add members to the Council, that adding more members to the Council would give the Council more brains at the table and more persons to share the load, and to do so would allow additional members from the community to participate.

Willie DeLaRosa called the Committee's attention to the Minutes of the May 13<sup>th</sup> meeting, citing emails received from Ann Beck and Ed Dickens stating they believed the current number of Council Members was fine and they suggested no change to this Article. Mr. DeLaRosa stated that maybe when the City's population reached 12,000 or more then go to seven (7) members of Council, but he didn't think it should happen now.

Dock Jackson addressed the Committee and stated he is happy with the current number of Council Members, but if the Committee decides to change, they should add two (2) members, not just one(1). Dock Jackson stated eventually the City will need more Council Members.

Karen Pinard stated at the Public Hearing, three people voiced concerns that they felt they were not represented. Ms. Pinard stated in her opinion if one citizen has a concern, it is the Committee's duty to address that concern and share that concern with the Council. Ms. Pinard stated she had also received an email addressing the issue of representation.

Cam Chavez stated he was on the fence on this issue. Mr. Chavez stated in regard to the representation issue, the Committee owed it to themselves and the citizens the need to discuss it. Mr. Chavez stated at this point he would leave the number of Council Members as it is because he is in favor of adding two(2) members instead of only (1) member and he does not know if the Committee is inclined to do that now.

Karen Pinard stated: "Why not do seven (7) members and be prepared for the growth".

Debbie Moore stated the citizens that voiced concerns about representation stated they felt like that because they did not live in the downtown area and they believe that is where all the representation is located.

Karen Pinard stated the biggest comment she had heard from citizens was that they don't live downtown and are not represented.

Lisa Tantaksinanukij stated even if two (2) members were added to Council, these two members could be from the downtown area.

Chairman Kesselus called for a formal vote on whether to recommend to Council amending Article III, Section 3.02 to change from having five (5) members of Council and a Mayor to having seven (7) members of Council and a Mayor.

FOR RECOMMENDATION: Ken Kesselus, Debbie Moore, Karen Pinard, Reverend R.D. Smith and Cam Chavez

AGAINST RECOMMENDATION: Willie DeLaRosa and Lisa Tantaksinanukij

Chairman Kesselus stated a recommendation will be prepared and made to the Council on this item.

Willie DeLaRosa stated he voted against the recommendation because of the input received at the public hearing where citizens had stated they thought it should be left at five (5) members.

Lisa Tantaksinanukij stated she agreed with Mr. DeLaRosa and had voted against the recommendation because of the citizen comments received at the public hearing.

Chairman Kesselus asked that Mr. DeLaRosa and Ms. Tantaksinanukij comments be prepared in a minority report along with the citizen comments received at the public hearing to be presented to the City Council.

Chairman Kesselus then asked City Secretary, Teresa Valdez to extract Committee Members comments from the May 13<sup>th</sup> Minutes, who were in favor of the recommendation, and provide to those five Committee Members so they can add anything else they want to the formation of a statement of reasons for this recommendation.

Chairman Kesselus then opened discussion on Charter Article III, Section 3.02(c) which states that a "six-year term limit" applies to service by Council Members (including the Mayor). Chairman asked for a straw vote of who was in favor of making a recommendation to Council to change this provision.

Since no committee member was in favor of changing this provision, the Committee by unanimous consent agreed that no recommendation would be made to Council on this provision.

Chairman Kesselus then opened discussion Charter Article III, Section 3.02(c) which states that the length of a Council Member's term is "2" years". Chairman Kesselus stated that the Committee had previously discussed this and they were inclined to recommend that the length of a term should be increased to a period of more than the current 2 years, and was considering recommending that each member's term be extended to 3 years.

Willie DeLaRosa stated he would like to see the Mayor's term stay at 2 years and he did not mind the Council Members being changed to 3 years.

Cam Chavez reminded everyone of the City Attorney's comment at the public hearing that if the Charter is amended to provide for 3 year terms, then "the resign to run provision ties in with the Texas Government". Mr. Chavez stated he was in favor of the Mayor having a 2 year term because of the current authority the Mayor has regarding committee and board appointments and this position can be a little more vital for people and they can go to the poll and change that if they are not happy.

Chairman Kesselus stated as part of the logic for such a position is that the citizens could hold the Mayor more accountable by having 2 year terms.

Willie DeLaRosa moved to make a recommendation to Council to amend the Charter to change the Council Members term limits from 2 years to 3 years. Seconded by Cam Chavez.

Discussion continued among the Committee

Debbie Moore moved to call for the vote. Seconded by Reverend R.D. Smith.

Chairman Kesselus asked for all in favor of stopping debate.

Motion carried for stopping debate.

Chairman Kesselus then stated the proposition: All in favor of retaining the 2 year term for the Mayor and changing Council Member terms to 3 years.

FOR: Cam Chavez, Lisa Tantaksinanukij and Willie DeLaRosa.

AGAINST: Karen Pinard, Reverend R.D. Smith, Debbie Moore and Ken Kesselus.

Chairman Kesselus asked that Mr. DeLaRosa, Cam Chavez and Lisa Tantaksinanukij draft a position statement to present to Council.

Debbie Moore moved to recommend to Council that the Charter be amended to change Council Members from 2 year terms to 3 year terms for limit of 6 years and a 3 year term for the Mayor with a limit of 6 years. Seconded by Karen Pinard.

FOR RECOMMENDATION: Reverend R.D. Smith, Karen Pinard, Debbie Moore and Ken Kesselus

AGAINST RECOMMENDATION: Lisa Tantaksinanukij, Cam Chavez and Willie DeLaRosa

Debbie Moore moved to reconsider her motion. Seconded by Karen Pinard and carried unanimously.

Debbie Moore moved to make the recommendation to Council that the Charter be amended to change Council to 3 years. Seconded by Karen Pinard and motion carried unanimously.

Debbie Moore moved to make the recommendation to Council that the Charter be amended to change that the Mayor be elected for a 3 year term. Seconded by Karen Pinard.

FOR RECOMMENDATION: Debbie Moore, Karen Pinard, Reverend R.D. Smith and

Ken Kesselus  
AGAINST RECOMMENDATION: Willie DeLaRosa, Cam Chavez and Lisa  
Tantaksinanukij

Discussion was held among Committee Members regarding the “resign to run” provision in State Law if the Council decides to place on the ballot and citizens vote in 3 year terms for Council Members.

Debbie Moore moved to make the recommendation to Council that the Charter be amended to include language that is to be drafted by the City Attorney that reflects: “Regardless of the length of term for any Council Member, they must resign before announcing for candidacy for Mayor”. Seconded by Karen Pinard and carried unanimously.

Chairman Kesselus then opened discussion on Charter Article III, Section 3.08 which states that a “The Mayor shall be recognized as the chief executive officer of the City.” Chairman Kesselus stated the Committee had previously discussed taking this language out of the Charter or substituting other language such a “Presiding Officer” or some other language that the Council felt appropriate.

Debbie Moore moved to make the recommendation to Council that the Charter be amended to change the language of “The Mayor shall be recognized as the chief executive officer of the City” to other language recommended by the Council and City Attorney. Seconded by Cam Chavez and carried unanimously.

Chairman Kesselus then opened discussion on Charter Article XII, Section 12.01 which uses the word “chairman” when referring to the person who head the Planning and Zoning Commission.

Reverend R.D. Smith moved to make the recommendation to Council that Charter Article XII, Section 12.01 be amended to remove the word “chairman” and be changed to “chair”. Seconded by Debbie Moore and carried unanimously.

Chairman Kesselus then opened discussion on Section 3.02 in regard to the public hearing discussion on Single Member Districts. Chairman Kesselus stated that the City Attorney, J.C. Brown had pointed out at the public hearing that sending a pre-clearance election request to the Department of Justice in regard to going to single member districts in the middle of a census year could be problematic. Chairman Kesselus stated the very earliest date to get on the ballot a Charter amendment to allow for single member district would be in two years, when the Census is complete and new data is available. Chairman Kesselus suggested that the Committee recommend two issues to Council: 1) Single Member Districts as it relates to geographical issues – particularly the west side of the river; and 2) Take a look at concerns of citizens on the west side of the river as not being represented.

Karen Pinard asked if the Committee was going to present this issue to Council and let the citizens decide since they brought it to the public hearing.

Chairman Kesselus stated this would not be put on the ballot since the City Attorney had advised against it and it had been suggested that the Council engage in a study of this matter.

Debbie Moore stated the Council needed to make sure the citizens understood what Single Member Districts are and explain what they do. Ms. Moore stated the Committee needs to make sure and let the Council know there is a lot of interest by citizens in single member districts.

Discussion was held among Committee members in regard to any recommendation to Council in regard to Single Member Districts.

Debbie Moore moved that the Committee take no action with regard to Single Member Districts, however, due to the interest expressed by the number of citizens attending the public hearing, the Committee wished to encourage the Council, at such time as may be appropriate, to enter into discussion with citizens of Bastrop regarding Single Member Districts or a combination of Single Member Districts and At Large positions. Motion seconded by Karen Pinard. Motion carried: 6:1.

FOR MOTION: Debbie Moore, Karen Pinard, Willie DeLaRosa, Cam Chavez, Lisa Tantaksinanukij and Ken Kesselus.

AGAINST MOTION: Reverend R.D. Smith.

Chairman Kesselus thanked everyone for their work on this Committee.

#### 4. ADJOURNMENT.

At 8:40 p.m., Lisa Tantaksinanukij moved to adjourn. Seconded by Willie DeLaRosa and carried unanimously.

APPROVED:

ATTEST:

(Note these Minutes will not be officially approved because this was the last meeting of the Charter Review Committee.)

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Ken Kesselus, Chairman

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Teresa Valdez, City Secretary