

City of Fair Oaks Ranch

Home Rule Charter Penalty Clause Committee Guidelines

Background

In the fall of 2016, a citizen committee was formed to write a Home Rule Charter (HRC) for the City. The HRC Committee completed the proposed Home Rule Charter in the spring of 2017 and was placed on the May 2017 ballot and subsequently overwhelmingly approved by citizens. Since the adoption of the Home Rule Charter in May 2017, staff has worked on ensuring mandated provisions of the Charter are being met. Section 7.15A of the Charter, titled Penalty Clause – Criminal Penalty states, “Any person who by himself or with others violates any provision of this Charter shall, in addition to any penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500. *City Council shall enact an ordinance enforcing this section*”.

To comply with this mandate, and after working with the City Attorney’s office, staff advanced a draft ordinance to City Council in February 2018 for their consideration and action. Upon completion of Council discussion, City Council unanimously approved postponing the vote on the draft ordinance to a future City Council meeting as further legal clarification was needed.

At the February 7, 2019 City Council meeting, the City Attorney provided an update and answered all questions regarding the Charter requirement that an ordinance adopting criminal penalty for charter violations be adopted. After a thorough discussion, City Council agreed a citizen advisory committee be established to review the matter in relation to the U.S. Constitution, Texas statutes, and provisions of the Home Rule Charter and, to advance an actionable recommendation to the City Council. Direction was given to establish a Home Rule Charter Penalty Clause Committee (HRCPPC).

Purpose and Scope of Work

1. Review the matter relative to the U.S. Constitution, Texas statutes, and provisions of the Home Rule Charter.
2. Determine and advance actionable recommendations to the City Council not later than the first regular City Council meeting in October of 2019.
3. Any recommended changes to the Scope of Work shall be approved by City Council prior to advancing the proposed change.
4. Committee members are to work in concert with the City Attorney and are required to work as a team to form consensus.

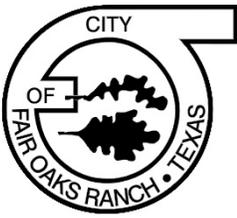
Membership and Term

1. Membership is composed of five (5) members appointed by the City Council, as an advisory committee, who shall serve at the will of the City Council.
2. The Committee shall choose a Presiding Officer, Acting Presiding Officer, and a Secretary from its members.
3. Term of membership expires upon acceptance of the final report by City Council.
4. Members shall be at least 18 years of age, be resident citizens and shall be qualified voters of the city.
5. Former Home Rule Commission members who formulated the Home Rule Charter may serve on the Committee.
6. Members shall not be employed by the City of Fair Oaks Ranch and, shall not receive any salary or compensation for services on the Committee.
7. Members shall remain on the Committee unless asked to leave by a majority vote of the City Council or upon a member’s request for voluntary retirement.

Meetings

1. Meetings shall be conducted at a time most convenient for all members during the regular work week.
2. Meetings shall be held at the municipal complex, be open to the public and shall have the City Attorney present.
3. Routine work of the Committee is conducted in the committee meetings.

City Council and city staff serve as a source of information for the Committee. The relationship is collegial and supportive in nature, and is neither pro- or anti-penalty clause in nature.



**APPLICATION FOR APPOINTMENT TO THE
FAIR OAKS RANCH HOME RULE CHARTER PENALTY CLAUSE COMMITTEE**

Full Name _____

Home Address _____

Home Phone _____ Work or Cell Phone _____

The following questions are asked as the City Council desires to maintain balance to insure proper representation.

Are you a resident of the City of Fair Oaks Ranch? _____ Yes _____ No

If yes, how many years have you lived in Fair Oaks Ranch? _____

Are you registered to vote in the City of Fair Oaks Ranch? _____ Yes _____ No

Do you have immediate family working for the City of Fair Oaks Ranch? _____ Yes _____ No

If yes, who? _____

Current or past occupation or area of expertise _____

Professional and/or community activities (including service on City of Fair Oaks Ranch Board, Commissions, Committees) _____

What is the major motivating factor, including any personal reason, behind your desire to be a Committee member?

Do you understand and support the guidelines of the Committee? _____

Are you willing and able to devote the necessary time of the Committee meetings? _____

Certification

I am not employed by the City of Fair Oaks Ranch. If appointed, I will notify the City of any changes in my residence or of any other relevant changes that would affect my appointment. I will also notify the City if any potential conflicts of interest arise. I recognize that my appointment requires attendance and participation at all scheduled meetings. Failure to do so may result in my removal. In filing this application, I understand that it becomes a part of the public records of the City of Fair Oaks Ranch. The City will comply with the TPIA and AG rules and procedures in releasing confidential information. I further understand and acknowledge that by signing this application I certify that all information on this application is complete, truthful and accurate to the best of my knowledge.

Applicant Signature: _____

Date: _____

Drop off, mail, fax or email completed application to (a photocopy of this application shall be as valid as the original):

City of Fair Oaks Ranch
City Secretary, C. Picioccio
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015
210-698-0900 (Office) or 210-698-3565 (Fax)
christinap@fairoaksranchtx.org

Thank you for your interest in serving the City of Fair Oaks Ranch

Staff Notations Only

Date application received: _____

Council interview date: _____

Council appointed: Yes No

If Yes, date of appointment and/or resolution number: _____