

MINUTES OF THE REGULAR MEETING OF THE  
CHARTER REVIEW COMMISSION OF THE  
CITY OF SAN MARCOS, TEXAS  
APRIL 20, 2017

- Members Present: Kama Davis  
Paul Mayhew, Chair  
Amy Meeks  
Perry Moore  
Todd Salmi
- Members Absent: Jude Prather  
Shane Scott
- City Attorney: Michael Cosentino
- Recording Secretary: Tina Moreno
- Others Present: Lisa Marie Coppoletta  
Steve Parker, Assistant City Manager/CFO

The meeting was called to order at 5:31 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. Steve Parker, Assistant City Manager/CFO addressed the commission on residency requirements currently listed in the charter for municipal judge and the challenges it may impose for future recruitment (of this appointed position). Ms. Lisa Marie Coppoletta stated her concerns on: absences by mayor’s appointees to Charter Review Commission; indebtedness to the city (by city employees); Planning & Zoning Commissioners being required to be property owners; and allowing the Ethics Review Commission more oversight on contractors.

Chair Mayhew introduced agenda item, “Approve minutes of the previous meeting(s).” A motion was made by Ms. Meeks, seconded by Mr. Moore, to approve minutes of April 6, 2017. The motion passed by the following vote:

- For: 4 - Mayhew, Meeks, Moore, and Salmi
- Against: 0
- Absent: 2 - Prather and Scott
- Abstain: 1 - Davis

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 12 – General Provisions.” A motion was made by Ms. Meeks, seconded by Ms. Davis, to amend **Sec. 3.17 – Expulsion or removal of city officials** by adding the following sentence to the end of item (a): “The city council may remove council members including the mayor who are in violation of or have violated provisions of this charter.” After some discussion, Ms. Meeks amended her motion, seconded by Ms. Davis to insert the word “substantially”. The

amendment would read as follows: “The city council may remove council members, including the mayor, who are in violation of or who have substantially violated provisions of this charter.” After more discussion, the motion to amend was withdrawn by Ms. Meeks and Ms. Davis. In addition, the main motion was also withdrawn by Ms. Meeks and Ms. Davis. A new motion was made by Ms. Meeks, seconded by Ms. Davis, to amend **Sec. 3.17 – Expulsion or removal of city officials** by adding the following sentence to the end of item (a): “The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter.” After some discussion, an amendment to the main motion was made by Mr. Salmi, seconded by Mr. Moore, to insert an additional phrase at the very end of item (a). The amendment would read as follows:

- (a) The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter; provided that any such action for expulsion of a city council member shall require five affirmative votes of the city council.

The motion to amend carried by the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0
Absent:	2 - Prather and Scott
Abstain:	0

And the main motion carried by the following vote:

For:	4 - Davis, Meeks, Moore, and Salmi
Against:	1 - Mayhew
Absent:	2 - Prather and Scott
Abstain:	0

Mr. Salmi made a motion, seconded by Ms. Davis, to amend **Sec. 1.03 – Statement of goals** to correct the phrase “promote high quality and affordable housing” by striking the word “and”. The phrase would read as follows: “promote high quality ~~and~~ affordable housing”. The motion carried by the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0
Absent:	2 - Prather and Scott
Abstain:	0

A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend **Sec. 12.03 – Nepotism and Conflict of Interest** by adding the following sentence to the end of item (b): “The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city’s Director of Human Resources.” The motion carried by the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0

Absent: 2 - Prather and Scott  
 Abstain: 0

Mr. Salmi made another motion, seconded by Ms. Davis, to further amend item (b) of **Sec. 12.03 – Nepotism and Conflict of Interest** by inserting the term and definition of “sexual partner”. The amendment would read as follows:

(b) No city employee shall be regularly directly supervised by a relative, sexual partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, sexual partner, or roommate. The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city’s Director of Human Resources.

(1) Relatives: Includes the first, second, and third degree of consanguinity (blood or adoption); and the first and second degree of affinity (marriage). Common law marriages as recognized by the State of Texas will also be included in purposes of this section.

(2) Roommates: Individuals who share the same living quarters.

(3) Sexual Partner: Persons in a consensual sexual relationship but are not married to one another.

The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi  
 Against: 0  
 Absent: 2 - Prather and Scott  
 Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend item (a)(3) of **Sec. 12.02 – Personal interest and code of ethics** by adding the following sentence: “For 24 months after serving as an officer of the city, no person may acquire a financial interest. If the former employee or official acquires a financial interest while employed by the city or serving as a city official, the city official may not take action on any application affecting such an interest for 24 months after the person leaves city employment or office or for 24 months after the interest is acquired, whichever is longer. The ethics commission and the city council shall enforce the forfeiture of the office, remove the city official, and bar him or her from conducting any further business.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

Mr. Salmi made a motion, seconded by Ms. Meeks, to amend item (a) of **Sec. 12.02 – Personal interest and code of ethics** by adding a subsection (4), which would read as follows:

(a)(4) For a period of two years from the date of leaving office, a city council member shall not have any financial interest in the sale to the city of any land, materials, supplies, or service.

Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council.

The motion carried by the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0
Absent:	2 - Prather and Scott
Abstain:	0

A motion was made by Ms. Davis, seconded by Mr. Salmi, to amend **Sec. 12.15 – Fluoridation of municipal water supply** to read as follows: “The City of San Marcos ~~shall not~~ may add or direct or require its agents to add fluoride to the San Marcos municipal water supply.” After some discussion, the motion failed by the following vote:

For:	2 - Davis and Salmi
Against:	3 - Mayhew, Meeks, and Moore
Absent:	2 - Prather and Scott
Abstain:	0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend item (a) of **Sec. 3.02 – Qualifications** by adding a subsection (7), which would read as follows: “Each member of the city council and the mayor take the oath of fair campaign practices before taking office as promulgated by Sec. 258.004 in the Texas Code of Fair Campaign Practices.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

A new motion was made by Ms. Davis, seconded by Ms. Meeks, to amend **Sec. 5.03 – Filing for office** by adding the following sentence and inserting it after the first sentence: “All candidates shall take the oath of fair campaign practices provided in Section 258.004 of the Texas Election Code.” The motion carried by the following vote:

For:	3 - Davis, Meeks, and Salmi
Against:	2 - Mayhew and Moore
Absent:	2 - Prather and Scott
Abstain:	0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend **Sec. 4.02 – City clerk** by adding the following sentence at the end of this section: “The city clerk shall assure that state law on record retention be followed.” The motion failed by the following vote:

For:	2 - Davis and Meeks
Against:	2 - Mayhew and Moore
Absent:	3 - Prather, Salmi, and Scott (Salmi left at 8:00 p.m.)
Abstain:	0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend **Sec. 12.01 – Public access to records** by adding the following sentence at the end of this section: “All city council

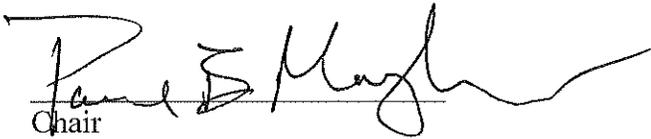
members, including the mayor, city manager, city attorney, city clerk, and presiding municipal judge have their salaries published on the city website.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

Ms. Davis made another motion, seconded by Ms. Meeks, to amend **Sec. 12.02** pertaining to the duties of the Ethics Review Commission, by adding a new subsection and labeling it (d) to allow the ethics commission investigative power and subpoena power. After some discussion, the motion was withdrawn by Ms. Davis.

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” None were present.

Ms. Meeks moved for adjournment at 9:06 p.m., seconded by Mr. Moore. The motion passed with the following vote:

For:	5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:	0
Absent:	3 - Prather, Salmi, and Scott (Salmi left at 8:00 p.m.)
Abstain:	0

  
Chair