

**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, SEPTEMBER 12, 2012 AT 7:00 PM**

1. CALL TO ORDER

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

2. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation and Pledge were completed

3. ROLL CALL

Pat Kauts  
Rebecca Kochan  
Richard Lamothe, Chairman  
Bill Towery  
Roy Schaufele (Absent/Excused)  
Jose Perez  
Joe Painter

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

4. CONSENT AGENDA

Approval of Minutes: August 15, 2012

Committee Member Kauts made a motion to approve the Consent Agenda; seconded by Committee Member Kochan

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

5. NEW BUSINESS

- a. Discussion and possible action for specific proposed Charter revisions to City of Live Charter Chapters I thru V and consensus to forward to City Attorney for review.

**Article 4.02 Qualifications:** Committee Member Towery stated he thought the age to serve on the City Council should be changed to 18 instead of 21. His reason being that if they are mature enough to serve in the military and fight for our country, they should be able to serve on City Council.

Committee Member Towery made a motion to change the age to serve on Council from 21 to 18; seconded by committee member Painter

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

**Article 4.07(b) Forfeitures:** There was discussion regarding how many Council meetings can be missed before they can be removed from office.

Attorney Zech recommended to the committee to give this more thought before acting on this issue. He stated that the City does not have any type of due process in place for removal of a Council person. He said he would provide the committee with the proper verbiage regarding Due Process if the committee decides to pursue with this amendment.

**Article 4.07(c) Filling of Vacancies:** Committee Member Perez recommended a majority or super majority to fill a vacancy on the Council. There was brief discussion regarding this Article.

Committee Member Perez made a motion to add verbiage to **Article 4.07(c)** to include: To fill a vacancy requires three out of four Council votes; seconded by Committee Member Painter

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

**Article 4.01 Number, selection and term:** Committee Member Painter discussed Council having a three year term instead of two. **Rationale was to ensure seasoning of newly elected council members.**

Committee Member Painter made a motion to change the terms for Council from two years to three years; seconded by Committee Member Kochan

Vote **FOR:** Kauts, Kochan, Painter, Lamothe / Vote **AGAINST:** Towery, Perez  
Motion passed 4/2

**Article 4.10(a) Meetings and procedures:** Attorney Zech recommended the removal of the last sentence: *Notice of the date, place and subject of each meeting shall be in accordance with state law (Section 551 et seq., Government Code).* He stated that it was unnecessary to have it in the charter since it is state law.

Committee Member Lamothe made a motion to delete the last sentence from Article 4.10(a); seconded by Committee Member Kochan

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

**Article 2.04 Eminent Domain:** There was brief discussion regarding the lengthy wording of Eminent Domain. Committee Member Lamothe made a motion to delete all but the first sentence of Article 2.04; seconded by Committee Member Towery

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

**Article 1.02 Extension of Boundaries:** There was a brief discussion regarding annexation of territories.

Committee Member Towery made a motion to delete (a) (b) and (c) from Article 1.02; seconded by Committee Member Kauts

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

Committee Member Painter asked Attorney Zech to review the City Charter and make any recommendations or changes he felt necessary. Attorney Zech said that they have been working on it and that he would try to get it to the committee, hopefully in time for the next meeting, but could not promise due to a previously scheduled vacation.

Committee Member Kochan stated that she would like to have a workshop instead of an actual meeting on October 10<sup>th</sup>. It was decided by the committee that the workshop would be delayed until November.

- b. Discussion and possible action to include next meeting date-October 10, 2012.

Committee Member Lamothe asked all members to please review **Article V. City Manager** for discussion at the next scheduled meeting. It was unanimously decided for the next Charter Review Meeting to convene on Wednesday, October 10, 2012 at 7:00 pm.

#### 6. CITIZEN COMMENTS

- a. Comments by citizens on issues discussed by the Committee in Items 5a.

There were no citizen comments.

#### 7. ADJOURNMENT

As there was no further business, Committee Member Towery made a motion to adjourn; seconded by Committee Member Kauts. The meeting was adjourned at 8:27 pm.

ATTEST:

ATTEST:

  
Julie Palmer, Executive Assistant

  
Richard Lamothe, Chairman