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MINUTES
ROCKWALL CHARTER REVIEW COMMISSION

Monday, November 10, 2014, 6:00 p.m.

City Hall - Council Conference Room

385 S. Goliad, Rockwall, Texas 75087

I. CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m. with the following Commissioners present: Nell Welborn, Bill Cecil, Bill Lofland, G. David Smith, Freddie Jackson, Charles Johnson, Adnan Tovar, and Daniel Nichols.

The following Commissioners were absent from the meeting: Larry Parks and Bill Houser.

II. DISCUSSION REGARDING SELECTION OF CHAIR & VICE CHAIR, AND TAKE ANY ACTION NECESSARY.

City Manager Rick Crowley began the discussion, indicating that, at the informational meeting last week, it was decided that a chairman and vice chairman would be selected at this meeting. Mr. Crowley opened up the floor for nominations. Commissioner Cecil volunteered that he will serve as Chairman if no one else would like to serve. Commissioner Welborn then nominated Bill Lofland to serve as Chair. Commissioner Smith seconded the motion, which passed unanimously of those present (8 in favor, 2 absent (Houser and Parks)).

Chairman Lofland nominated Commissioner Wellborn to serve as Vice Chair. Commissioner Smith seconded the motion, which passed unanimously of those present (8 in favor, 2 absent (Houser and Parks)).

III. DISCUSSION REGARDING POSSIBLE REVISIONS RELATED TO THE CITY'S CHARTER, AND TAKE ANY ACTION NECESSARY.

Chairman Lofland facilitated discussion of potential charter amendments by first addressing those items suggested for consideration by City Attorney, Frank Garza.

Vice Chairman Wellborn made a motion to approve the first change recommended by Mr. Garza (related to allowing the City Manager the authority to call a special council meeting). Commissioner Johnson seconded the motion. After brief discussion, the motion passed by a vote of 7 in favor, 1 against (Cecil) and 2 absent (Houser and Parks).

The topic of two readings of ordinances before final approval was discussed next by the Commission. General agreement was expressed among members regarding two readings of ordinances at council meetings. Assistant City Manager Mary Smith clarified that state law requires only one reading of bond or other debt issuance-related ordinances. Commissioner Jackson moved to make this change as a technical correction (in Sec. 3.11 (3)). Commissioner Nichols seconded the motion, which passed unanimously of those present (Houser and Parks absent).

49
50 Vice Chairman Welborn moved to recommend the change regarding Sec. 4.02 (related to
51 oversight of city elections) as recommended by the City Attorney. Commissioner Johnson
52 seconded the motion, which passed unanimously of those present (Houser and Parks
53 absent).
54

55 Pertaining to Sec. 4.03(3), discussion took place regarding the Mayor acting as Municipal
56 Judge in the event the Municipal Judge is not available. Discussion ensued regarding
57 appointment of an Associate Judge (in lieu of the Mayor stepping in) with the same
58 qualifications as Municipal Judge (that the Associate Judge must also be a licensed
59 attorney). After additional comments, further discussion of this item was deferred until a
60 later meeting to allow time for more specific language to be evaluated and suggested by the
61 city attorney and / or other Commissioners related to this section.
62

63 Regarding Sec. 4.03 or Sec. 4.04, Mrs. Smith explained that the question is: should the city
64 attorney continue to appoint the Municipal Prosecutor, or should the city council appoint
65 him or her? Action concerning this matter was deferred until a later meeting date to allow
66 time for more specific language to be drafted for consideration.
67

68 Discussion took place regarding Sec. 5.02 (d) pertaining to a candidate for office being in
69 arrears to the city for payment of taxes or other liabilities due. After brief discussion,
70 Commissioner Smith made a motion to leave this provision 'as is.' Vice Chair Welborn
71 seconded the motion, which passed unanimously of those present (Houser and Parks
72 absent).
73

74 Regarding Sec. 5.02 (f) (pertaining to a city employ continuing in such position after filing
75 for an elective office) – after brief discussion, Vice Chair Welborn moved to make this
76 technical change. Commissioner Nichols seconded the motion, which passed unanimously
77 of those present (Houser and Parks absent).
78

79 With regards to Sec. 7.14, Vice Chair Welborn explained that the original intent of this
80 provision was to ensure the city did not create new debt without obtaining voter approval.
81 It was not originally related to re-issuance / refinancing of debt. Mr. Crowley explained that
82 the city attorney has advised that state law allows the city council to issue Certificates of
83 Obligation without obtaining voter approval. He suggested the Commission may wish to
84 discuss this matter further with the city attorney at a future meeting. The Commission
85 agreed to defer this item until a later meeting date.
86

87 Regarding Sec. 7.15, Mrs. Smith explained that modification of this wording would allow the
88 city manager the authority to reject all bids received, re-advertise and re-solicit for bids
89 without having to wait for the next city council meeting to obtain council approval to reject
90 all bids (reject all bids for failure of bids to meet the specified needs of the project) – this
91 item was deferred to allow for language to be re-written and considered by the Commission
92 at a later date.
93

94 Regarding Sec. 7.16, (related to multi-year contracts being approved by Council but not
95 requiring an Ordinance), Vice Chair Welborn made a motion to move forward with making
96 this suggested change. Commissioner Smith seconded the motion, which passed by a
97 unanimous vote (Houser and Parks absent).
98

99 Regarding the Sec. 7.18 requirement of publishing the summary of the audit in a newspaper,
100 Commissioner Smith moved to move forward with this recommendation as suggested by

the city attorney. Commissioner Jackson seconded the motion, which passed by a vote of 8 in favor with 2 absent (Houser and Parks).

Regarding Sec. 8.01 (5), Vice Chair Welborn moved to change the language to clarify that the city council will make decisions regarding removing a board or commission member for missing three consecutive regular meetings without acceptable explanation. Commissioner Smith seconded the motion. After brief discussion, the motion carried by a vote of 8 in favor with 2 absent (Houser and Parks absent).

Regarding Sec. 11.13 (g), it was explained that the Charter needs to be changed to come into compliance with what the IRS requires of the city (that, for example, the city's volunteer firefighters are required to be considered employees of the city because they receive some sort of compensation (i.e. small stipend)). This is a technical change. Commissioner Johnson moved to make this technical change. Commissioner Jackson seconded the motion, which passed by a vote of 8 in favor with 2 absent (Houser and Parks absent).

Regarding the suggestion that the Commission evaluate holding elections for municipal office in November, Commissioner Cecil expressed that he believes local elections should stay in May because these types of elections are non-partisan; whereas, state and federal ones are partisan. Chair Lofland expressed a desire to discuss length of terms for city council members later on.

IV. DISCUSSION REGARDING FUTURE MEETING DATES AND TIMES, AND TAKE ANY ACTION NECESSARY.

The Commissioners generally indicated a desire to not hold meetings lasting longer than an hour-and-a-half (begin meetings at 6:00 p.m. and end no later than 7:30 p.m.).

It was suggested that the Commission evaluate the language associated with items which were deferred today as well as the recommendations of the last Charter Review Commission at the next meeting, which will be held on Thursday, November 20th at 6:00 p.m.

V. ADJOURNMENT

Chairman Lofland adjourned the meeting at 7:21 p.m.

PASSED AND APPROVED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS, on this the 20th day of November, 2014.

ATTEST:



Bill Lofland, Chair



Kristy Ashberry, City Secretary

