

MINUTES

ROCKWALL CHARTER REVIEW COMMISSION

Thursday, November 20, 2014, 6:00 p.m.

City Hall - Council Conference Room

385 S. Goliad, Rockwall, Texas 75087

I. CALL MEETING TO ORDER

Vice Chair Nell Welborn called the meeting to order at 6:00 p.m. with the following Commissioners present: Nell Welborn, Bill Lofland (Chair), Bill Houser, G. David Smith, Freddie Jackson, Charles Johnson, Adnan Tovar, and Daniel Nichols. Also present were City Manager Rick Crowley, Assistant City Manager Mary Smith, City Secretary Kristy Ashberry, and Mayor Pro Tem Jim Pruitt (only for a portion of the meeting).

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

Chair Lofland explained that he has asked Vice Chair Welborn to chair the meeting this evening.

II. DISCUSSION REGARDING APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2014 CHARTER REVIEW COMMISSION MEETING.

After seeking input from the commissioners, Vice Chair Welborn indicated that the draft minutes are declared approved as published.

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

Vice Chair Welborn provided a brief recap regarding discussions that took place at the last meeting. She then introduced Mayor Pro Tem Pruitt and invited him to share any comments he may wish to share with the Commission. Mayor Pro Tem Pruitt indicated that he believes Rockwall has grown to a size that it is now reasonable to have an actual attorney serve as both municipal court judge and associate judge (related to Sec. 4.03 of the Charter). He is not particularly in favor of the charter's current provision which stipulates that the Mayor would step in and serve in a judge capacity in the event that the judge is unable to fulfill his or her duties. Commissioner Houser suggested it may be a good idea to incorporate the establishment of a municipal court within the charter itself instead of establishing it by ordinance. Brief comments took place regarding incorporating amending language in Sec. 4.04 related to both the city attorney and the municipal prosecutor being appointed by the city council and allowing both the ability to serve by contract. It was noted that City Attorney Frank Garza will work to draft appropriate language to so amend Sections 4.03 and 4.04. Mayor Pro Tem Pruitt pointed out that Sec. 3.06, Powers of the City Council, will also need to be amended to this end.

Regarding Sec. 4.04(5), Commissioner Jackson made a motion to add language to convey that the city council will approve additional attorneys on a case-by-case basis

(Parks and Cecil absent). Commissioner Nichols seconded the motion, which passed unanimously of those present (Parks and Cecil absent).

Commissioner Houser moved to amended Sec. 3.06(b) and Sec.306(c) to stipulate “judgeS” and “attorneyS” (plural rather than singular). Chair Lofland seconded the motion, which passed unanimously of those present (Parks and Cecil absent).

Regarding Sec. 3.04, Mayor Pro Tem Pruitt pointed out that there is no provision for selecting a Mayor Pro Tem in the event that the existing Mayor Pro Tem moves up to serve as Mayor. He suggested that a provision should be added so that the council may select a Mayor Pro Tem prior to the next municipal election.

Chair Lofland made a motion to amend Sec. 3.04(2) and 3.05(4) to add language to allow the city council to appoint a Mayor Pro Tem within thirty (30) days of the position of Mayor Pro Tem being vacated. Commissioner Smith seconded the motion, which passed by a unanimous vote of those present (Parks and Cecil absent).

The Commission next discussed the various ballot propositions previously proposed by the 2008-09 Charter Review Commission.

Regarding term length and term limits, after brief comments, Chair Welborn made a motion to keep the Charter’s current provisions in place “as is” and to not send previously suggested Proposition #2 to the council for consideration at this time. Vice Chair Lofland seconded the motion, which passed unanimously of those present (Parks and Cecil absent).

Regarding previously suggested Proposition #3 and previously suggested Proposition #4, the commission agreed that these two items will be discussed with Mr. Garza, City Attorney, at a later date.

Regarding previously suggested Proposition #5 on swearing in of newly elected council members, the commission agreed to ask the city attorney to weigh in on the timeframe and appropriate language if it indeed is in need of modification (Sec. 3.01 of current Charter).

With regards to previously proposed Proposition #6 (related to allowing 21 days in lieu of 10 days for the city secretary to verify petitions), Chair Lofland made a motion to proceed with forwarding this to the city council for consideration. Commissioner Houser seconded the motion, which passed by a unanimous vote (Parks and Cecil absent).

Regarding previously proposed Proposition #7 (related to timeframe for submitting the proposed budget to the city council), Commissioner Smith made a motion to forward this previous recommendation to the city council. Chair Lofland seconded the motion, which, after brief comments, passed unanimously of those present (Parks and Cecil absent).

Regarding previously proposed Proposition #8 (related to the council’s need to adopt a budget by the last day of the fiscal year), Chair Welborn made a motion to forward this item to the council for consideration. Commissioner Houser seconded the motion, which passed unanimously of those present (Parks and Cecil absent).

Regarding previously proposed Proposition #9 related to the council's authority to remove any board or commission member (Sec. 801(5)), Commissioner Houser made a motion to forward this proposition to the council for consideration, ensuring that language is added to stipulate that board and commission members serve at the pleasure of the city council unless otherwise provided by state law. Commissioner Smith seconded the motion, which passed unanimously of those present (Parks and Cecil absent).

Regarding previously proposed Proposition #11 (re: disaster clause/provision and appointing interim council members to serve if needed), Chair Lofland made a motion to table this item to allow the city attorney to evaluate this clause and make suggestions on appropriate language. Vice Chair Welborn seconded the motion, which passed by a unanimous vote (Parks and Cecil absent).

Chair Welborn suggested that the Commission consider reading through the entire charter, start to finish over the weekend, to see if this current Commission has any additional concerns to put forth to the city council for consideration.

Mr. Crowley reminded the Commission about the city attorney's suggestion that they hold at least one public hearing to solicit and hear input from the public concerning the city charter. Chair Lofland asked that an item be added to the next meeting agenda regarding scheduling a public hearing to take public input on the Charter

Commissioner Houser suggested that commissioners come prepared to the next meeting to discuss sections of the charter that they individually have a desire for the full Commission to discuss collectively.

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

It was discussed that the next meeting will be scheduled for Monday, November 24 at 6:00 p.m., and a subsequent meeting may be scheduled for Thursday, December 11 if the city attorney is available to attend.

V. ADJOURNMENT

Vice Chair Welborn adjourned the meeting at 7:07 p.m.

PASSED AND APPROVED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS, on this the 24th day of November, 2014.

ATTEST:


Kristy Ashberry, City Secretary


Bill Lofland, Chair

