

# MINUTES

## ROCKWALL CHARTER REVIEW COMMISSION

Monday, November 24, 2014, 6:00 p.m.

City Hall - Council Conference Room

385 S. Goliad, Rockwall, Texas 75087

### I. CALL MEETING TO ORDER

Chair Lofland called the meeting to order at 6:00 p.m. Present were Chair Bill Lofland, Vice Chair Nell Welborn, and Commissioners Daniel Nichols, Charles Johnson, Adan Tovar, Freddie Jackson, Bill Cecil, Bill Houser, G. David Smith, and Larry Parks.

### II. DISCUSSION REGARDING APPROVAL OF THE MINUTES FROM THE NOVEMBER 20, 2014 CHARTER REVIEW COMMISSION MEETING, AND TAKE ANY ACTION NECESSARY.

Vice Chair Welborn explained that she has one correction to the draft minutes from the November 20<sup>th</sup> meeting, and that minor change has been made by the City Secretary.

Vice Chair Welborn moved to approve the minutes from the November 10<sup>th</sup> and November 20<sup>th</sup> meetings. Commissioner Houser seconded the motion, which passed unanimously.

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

Commissioner Johnson pointed out some wording in Sec. 2.02 concerning the powers of the city in its extraterritorial jurisdiction (ETJ). Commissioner Smith expressed that he believes Sec. 2.03 may need to be amended based on updated state statutes. It was agreed that the city attorney will look at these two sections further.

Regarding Article III. Sec. 3.07 "Prohibitions," Commissioner Houser expressed that he has some concerns pertaining to nepotism if, for example, the city manager's wife ran for council and won, and then she had to vote on a budget which contains her husband's salary / compensation. Commissioner Cecil pointed out that many situations may arise that may cause a council member to have to recuse him/herself. It was asked of staff that the city attorney evaluate this type of possibility and make recommendations concerning if any modifications are needed to the city charter in this regard.

Concerning Sec. 3.05 (4), City Manager Rick Crowley questions when a council vacancy is filled "by a majority vote of the remaining elected officials." He pointed out that the language needs to not only address the word "elected" but "appointed" too. Commissioner Houser made a motion to remove the word "elected." Vice Chair Welborn seconded the motion. After brief comments, the motion passed unanimously.

Regarding Sec. 3.13 (3) pertaining to "printed ordinances and Charter amendments will be sold to the public at a reasonable price to be fixed by the City Council" -

Commissioner Houser asked if this provision may now be outdated since currently the Code of Ordinances is made available online on the city's website. Chair Lofland suggested the city attorney weigh in on if this provision is required by state law, or if the language may need to be amended.

Concerning Article IV. Sec. 4.01, Commissioner Houser asked if the Charter should include reference to an Assistant City Manager. It was decided to leave the language as is.

It was suggested that a section be added concerning prosecutors being appointed by the city council.

Regarding Sec. 4.01, Commissioner Johnson asked if (1) should be modified in any way concerning the requirement that the city manager reside within the City for the tenure of his appointment. Mr. Crowley, City Manager, indicated that the way it currently reads will allow discretion on the part of the city council. Vice Chair Welborn expressed that she believes that more general language would be better for the city council because more general language will allow them leeway. Mr. Crowley suggested that the language may be modified to state that the council, upon appointment of a city manager, shall specify a date certain for the city manager to become a resident of the City of Rockwall. After discussion, it was informally agreed to leave this language 'as is.'

Regarding Sec. 5.02 (f), it was noted that this section will need to come out of the Charter.

Regarding Sec. 6.05, Commissioner Houser questioned the percentages and numbers "15 and 30".....on referendum, initiative and recall.

Regarding 4.05 (3), it was pointed out that the parenthesis should be deleted.

Regarding Sec. 7.18, Commissioner Smith expressed that replacement of an auditor once every five years is too long of a timeframe. He feels that this needs to be reduced to a period of once every three (3) years instead. Commissioner Cecil moved to make this change in the language. Assistant City Manager Mary Smith indicated that this provision and timeframe (5 years) is actually pretty typical in municipal government as far as audits are concerned. She expressed that the learning curve associated with when a new auditor comes on board is quite extensive, so five years has been working fairly well from staff's perspective. Commissioner Smith seconded Commissioner Cecil's motion. Smith then went on to express his reasoning for suggesting this change. Extensive discussion took place related to government prescribed standards that are in place for accounting practices, including audits. Chair Lofland expressed that he agrees with Commissioner Smith in that he prefers to see a new auditor selected once every three (3) years instead of once every five (5) years. Commissioner Parks indicated he would be satisfied with the number being amended to once every four (4) years instead.

Commissioner Cecil amended his motion to stipulate naming a new auditor once every four (4) years rather than five (5) years. Commissioner Smith seconded the motion, which passed unanimously of those present.

Regarding Sec. 9.02 (2)(d), it was requested to add a comma after the word "law" and before the word "contract." The city secretary expressed she can ask Municode, the

company that codifies the charter and city ordinances, to insert this comma without action on the part of the commission or council, as it is a scrivener's error.

Regarding Sec. 10.06, Commissioner Houser asked for a brief explanation of "franchises" in the city. After brief discussion, it was decided that the city attorney would be asked if any changes to this section are warranted.

Concerning Sec. 11.13, it was pointed out that the word "judge" needs to be made plural.

Concerning Sec. 11.05(1), Vice Chair Welborn questioned if this wording is sufficient / up-to-date, asking if language should be added concerning one's sexual orientation. The city attorney will review this to see.

Regarding Sec. 11.15, Vice Chair Welborn suggested that the commission hold its public hearing on the charter recommendations after its work is finished but before going to the city council for review.

**IV. DISCUSSION REGARDING SCHEDULING AND ADVERTISING A PUBLIC HEARING TO SOLICIT AND HEAR INPUT CONCERNING THE CITY CHARTER, AND TAKE ANY ACTION NECESSARY.**

**It was estimated that the public hearing may be held sometime the first part of January.**

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

**It was suggested that the Commission meet again on Wed., December 17<sup>th</sup> and possibly Monday, December 22<sup>nd</sup> at 6:00 p.m.**

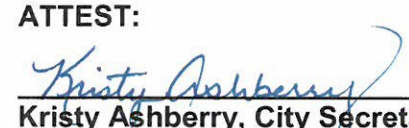
**VI. ADJOURNMENT**

**Chair Lofland thanked the commissioners for their work and adjourned the meeting at 7:25 p.m.**

**PASSED AND APPROVED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS, on this the 17<sup>th</sup> day of December, 2014.**

  
Bill Lofland, Chair

**ATTEST:**

  
Kristy Ashberry, City Secretary

