

MINUTES

ROCKWALL CHARTER REVIEW COMMISSION

Wednesday, December 17, 2014, 6:00 p.m.

City Hall - Council Conference Room

385 S. Goliad, Rockwall, Texas 75087

I. CALL MEETING TO ORDER

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

II. DISCUSSION REGARDING APPROVAL OF THE MINUTES FROM THE NOVEMBER 24, 2014 CHARTER REVIEW COMMISSION MEETING, AND TAKE ANY ACTION NECESSARY.

Vice Chair Welborn made a motion to approve the minutes. Commissioner Tovar seconded the motion, which passed unanimously.

Commissioner G. David Smith joined the meeting at this point (at 6:03 p.m.)

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

The commission began discussions by addressing recommended technical changes and associated language drafted by city attorney, Frank Garza. Brief discussion took place regarding the provision in the charter related to publishing the audit in the newspaper of record. It was suggested that the local newspapers may be willing to advertise a link to the city's website where the audit is made available to the public electronically so that citizens may review it online if they so wish.

Vice Chair Welborn moved to approve the technical provision modifications recommended by city attorney, Frank Garza (#s 1-12 of Garza's memo). Commissioner Jackson seconded the motion, which passed by a unanimous vote of those present.

Commissioner Bill Houser joined the meeting at this point (at 6:07 p.m.).

Discussion took place related to suggested language for appointing an associate judge or judge(s).

Commissioner Houser moved to modify the charter language proposed by Mr. Garza to convey that the council "may" appoint Associate City Judge(s) and approve the secondary proposed language concerning removal of not only the Municipal Judge but also the Associate Municipal Judge(s). Vice Chair Welborn seconded the motion, which passed unanimously of those present.

Commissioner Parks joined the meeting at this point (at 6:10 p.m.).

Vice Chair Welborn moved to approve the proposed language change to Sec. 6.07 (to change "within ten days after..." to "within twenty-one days after"). Commissioner Houser seconded the motion, which passed unanimously of those present.

Commissioner Houser moved to approve Garza's suggested language for #3 substantive change (related to the date the city manager must submit a proposed budget for the upcoming fiscal year (change from "before the first day" to "before the fifteenth day...")). Commissioner Jackson seconded the motion, which passed unanimously of those present.

Vice Chair Welborn moved to approve the proposed language change related to Sec. 7.06 of the Charter as recommended by the city attorney (that the council must adopt a budget prior to the start of the next fiscal year as opposed to "at least ten days prior to the beginning of the next fiscal year"). Commissioner Jackson seconded the motion, which, after brief discussion, passed unanimously of those present.

Commissioner Nichols joined the meeting at this point, at 6:13 p.m.

Regarding Sec. 8.01(5) concerning removal of city board or commission members, Commissioner Houser moved to modify the proposed language change, in part, as follows: "without explanation acceptable to the city council, shall forfeit his position on the board, commission or committee and be removed by the city council." Commissioner Parks seconded the motion, which, after brief discussion, passed unanimously of those present.

Regarding proposed language related to Sec. 11.16 (disaster clause), Vice Chair Welborn moved to approve this revised language. Commissioner Nichols seconded the motion. During discussion, it was suggested that the language read "city manager, or, if incapacitated or otherwise unavailable, the county judge...." Vice Chair Welborn moved to modify her motion to reflect this language instead. Commissioner Nichols seconded the amended motion. After additional discussion, it was decided that suggested language should be drafted by city attorney Frank Garza.

Regarding Sec. 3.05(4) and Sec. 5.02(f), Commissioner Houser moved to not add a new section. Commissioner Cecil seconded the motion, which passed unanimously of those present.

Regarding Sec. 3.04(2), Vice Chair Welborn moved that that the suggested language read, in part, as follows: "This office shall be filled annually by the City Council at the first regular meeting after each election of Council members and/or Mayor. Should a vacancy occur, the unexpired term will be filled at the next regular council meeting after the vacancy." Commissioner Houser seconded the motion, which passed unanimously of those present.

Regarding Sec. 4.03 or 4.04 on qualifications of Municipal Prosecutor, the commissioners generally agreed to leave the existing language "as is" and not make any recommended changes to the language.

Regarding Sec. 5.04(3) concerning when a new council member will be sworn in and take office, Houser moved to modify suggested language to read as follows: "shall be inducted into office at the first City Council meeting following...." Vice Chair Welborn seconded the motion. The motion passed unanimously of those present.

Regarding Sec. 7.14 concerning certificates of obligation being issued by the council, after lengthy discussion, it was decided to leave the existing charter language "as is."

Commissioner G. David Smith offered brief comments related to the possibility of single member districts for elections. He indicated that some members of the public may be interested in coming to the upcoming public hearing in January to offer comments regarding this idea.

Commissioner Cecil offered brief comments regarding the provision currently in the charter related to elected official being in arrears, financially, to the city. Cecil questioned leaving anything in the Charter that may not be true since there has been some indication that this provision may not be constitutional. City Attorney Frank Garza interjected, pointing out that there has been a decision in a court of appeals concerning a case in San Antonio, but the Texas Supreme Court has never ruled on this matter. He believes it is ok to leave it in the city charter "as is" for now. Following a discussion by the group, general indication was given by commission members that it would be best to leave this provision in the Charter as it is currently written and to not recommend a change at this time.

There being no further discussion, Chairman Lofland moved on to the next agenda item.

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 decided that a public hearing to receive input on the charter and proposed amendments will be scheduled for Wednesday, January 7, 2015 at 6:00 p.m.

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

At the January public hearing, the commission will consider the necessity of holding one more meeting before going before the city council to deliver its recommendations, hopefully at the Tuesday, January 20 city council meeting.

VI. ADJOURNMENT

Houser moved to adjourn the meeting at 7:12 p.m. Commissioner Nichols seconded the motion, which passed unanimously.

PASSED AND APPROVED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS, on this the 7th day of January, 2015.

ATTEST:


Kristy Ashberry, City Secretary


Bill Lofland, Chair

