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).

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

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

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

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

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

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

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

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

Regarding the Sec. 7.18 requirement of publishing the summary of the audit in a newspaper, 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.

Bill Lofland, Chair

ATTEST:

Kristy Ashberry, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

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.

Bill Lofland, Chair

ATTEST:

Kristy Ashberry, City Secretary

CITY OF ROCKWALL TEXAS SEAL

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 20th meeting, and that minor change has been made by the City Secretary.

Vice Chair Welborn moved to approve the minutes from the November 10th and November 20th 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 17th and possibly Monday, December 22nd 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 17th day of December, 2014.

Bill Lofland, Chair

ATTEST:

Kristy Ashberry, City Secretary

CITY OF ROCKWALL TEXAS SEAL

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.

Bill Lofland, Chair

ATTEST:

Kristy Ashberry, City Secretary

CITY OF ROCKWALL TEXAS
SEAL

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

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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.

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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.

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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.

Bill Lofland, Chair

ATTEST:

Kristy Ashberry, City Secretary

CITY OF ROCKWALL TEXAS
SEAL