

DRAFT

MINUTES REGULAR MEETING March 19, 2024

A Regular Meeting was held by the Schertz City Charter Review Commission of the City of Schertz, Texas, on March 19, 2024, at 4:30 p.m. in the Hal Baldwin Municipal Complex Civic Center Conference Hall, 1400 Schertz Parkway, Building #5, Schertz, Texas. The following members present to-wit:

Present: Commissioner-Chair Dana Eldridge; Commissioner -Vice Chair Richard Dziewit; Commissioner Roger L. Booker; Commissioner Chris Evans; Commissioner Marcus Forte; Commissioner Benjamin Guerrero; Commissioner Demetric Herron; Commissioner Michele Tereletsky; Commissioner Paul Wiley; Commissioner David Bennett

Absent: Commissioner Danielle Craig

Staff City Manager Steve Williams; City Attorney Daniel Santee; City Secretary Sheila present: Edmondson

Call to Order

Chair Dana Eldridge called the meeting to order at 4:30 p.m.

Hearing of Residents

This time is set aside for any person who wishes to address the Charter Review Commission. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Charter Review Commission as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Charter Review Commission may be requested to leave the meeting.

Discussion by the Charter Review Commission of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

No one signed up to speak.

Discussion and Action Items

1. **Minutes:** Approval of the minutes from the March 5, 2024, Charter Review meeting. (S.Edmondson)

Chair Dana Eldridge asked for a motion to approve the minutes from the March 5, 2024 Meeting.

Vice-Chair Richard Dziewit made a motion to approve the minutes. Commissioner Roger Booker seconded the motion. All in favor, 9 ayes, 1 nay, motion passed.

2. **2.A.** Review and possible action on amendments to Charter Article IV-The City Council

The Charter Review Commission has tabled Article IV, so Commissioners have time to review and speak to other residents on the Single Member District topic.

Attorney Dan Santee asked City Secretary Sheila Edmondson to update the Charter Review Commission concerning the two City Charter versions. Ms. Edmondson was able to obtain a copy of the 2015 Charter Amendment Ballot, the emails that were sent to Municode after the 2015 Election, the Final Report from the Charter Commission and the files of the previous City Secretary. There was no evidence of why the two city charter versions differ. (Municode's codified copy/copy sent to Municode). Ms. Edmondson will further research this issue and update the Charter Review Commission at the next meeting.

- 2.B.** Review and possible action on amendments to Charter Article V-City Manager

Charter Article V (Section 5.01) included questions about how the City Manager's compensation is decided upon. City Manager Steve Williams asked to clarify what a vote of majority by the Council would be when hiring or relieving a City Manager of employment. His contract is written a little differently and states a 2/3rd majority would be needed. Attorney Dan Santee stated as long as his contract is not more lenient than the City Charter, his contract would be in control. Commissioner Booker asked if there are any rules that the City Manager has that he could be fired before his contract ended? Mr. Williams explained he could be fired at will by a super majority, which is 6 out of 7 Councilmembers.

The requirement to have the City Manager become a resident of the City within 4 months can be difficult. City Manager Williams said it could be difficult even in 6 months due to the tight housing market. Attorney Dan Santee stated he sees the requirement for the City Manager to be a resident in their cities, but not a strict time requirement. Commissioner Booker made a motion to accept the recommendation by Attorney Dan Santee. The recommendation is to strike out ~~"within four months after the date of his or her appointment. If he or she thereafter fails to become a resident of the City within that four month period, he or she shall be deemed to have forfeited his or her appointment and the office shall be declared vacant by announcement of the Mayor at the first meeting of the City Council following the expiration of the four month period."~~ Commissioner Forte seconded the motion. All in favor, 10 ayes,

0 nays. Motion passed.

Section 5.03 Powers and Duties of City Manager-(j)

City Manager Williams had concerns over, "A system shall be established to control the use and the replacement of expendable items." He asked how detailed does the charter have to be with stating "*expendable items*". The City has a system of control and accounting system. There were different interpretations of this section.

Commissioner Booker asked for a better definition of "expendable items". Attorney Santee stated they are not voting on all of Article V, only Section 5.01 was voted on. Chair Dana Eldridge made a motion that "~~A system shall be established to control the use and the replacement of expendable items.~~" be struck out of Section 5.03 (j).

There was a consensus to hold off before voting, Chair Eldridge withdrew his motion.

2.C. Review and possible action on amendments to Charter Article VI.

Commissioner Michelle Tereletsky asked that in Section 6.01-General Provisions, the underlining in (a) and (b) be removed. It is not formatted this way in the rest of the Charter.

Section 6.02-No Operational and Personnel Polices.

Section 6.03-City Attorney-No changes.

Section 6.04-Judge and Municipal Court-No changes.

Section 6.05-Terms of Office of City Attorney and Municipal Judge-No changes.

Section 6.06-City Secretary

Commissioner Michele Tereletsky asked about the last sentence in (a) The City Secretary shall report administratively to the City Manager but may be removed from office only by the City Council. City Manager Williams stated that this sentence conflicts on how the city operates. Commissioner Booker made a motion to remove "~~The City Secretary shall report administratively to the City Manager but may be removed from office only by the City Council.~~"

Vice-Chair Richard Dziewit seconded the motion. All in favor, 10 ayes, 0 nays.

Motion passed.

Commissioner Demetric Herron had questions about Section 5.03 (k) He or she shall have the authority to sign documents in the name of the City as authorized by the City Council. Commissioner Herron said he did not see who renews contracts. City Manager Williams stated contracts, acquiring contracts and bids are covered by state law. If the City Manager violates state law, he is responsible. Attorney Santee explained that the City has a weekly Pending Agenda where all items are reviewed to make sure they are within state law.

Attorney Santee stated that he will bring final versions of Article 5-6 and depending on what you decide on Article 7, for the Commission to vote on. He will have Article 4 ready, just in case the Commission wants to vote on it.

2.D. Review and possible action on amendments to Charter Article VII-Financial Procedures

Commissioner Tereletsky had questions about Section 7.02-The City Manager shall submit to the City Council a budget for the ensuing fiscal year and *an accompanying message* not later than fifty days prior to the beginning of each fiscal year. City Manager Williams explained that budgets traditionally have a City Manager's message. City Manager Williams would like to look at, "The City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message *not later than fifty days prior to the beginning of each fiscal year*. He would like to go back and look to make sure and speak to the Finance Director to see if "*fifty days*" is sufficient. City Manager Williams will bring information back to the Commission.

Section 7.03 Audit-Mayor Gutierrez mentioned that the auditors are on a 3-year contract with a 1-year extension.

Chair Eldridge asked the Commission to continue to go through the City Charter, Article 5 (j) and to review Article 4-Single Member Districts. At the next meeting, Attorney Dan Santee will have Article 4,5,6 and 7 to review and possibly take action. He also reminded the Commission that if they have any questions, please send to City Secretary Edmondson so information can be provided.

Adjournment

Chair Eldridge adjourned the meeting at 5:45 p.m.

Dana Eldridge, Chair

ATTEST:

Sheila Edmondson, City Secretary