

# DRAFT

## MINUTES REGULAR MEETING April 16, 2024

A Regular Meeting was held by the Charter Review Committee of the City of Schertz, Texas, on April 16, 2024, at 4:30 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Chair Dana Eldridge; Vice Chair Richard Dziewit; Commissioner David Bennett; Commissioner Roger Booker; Commissioner Danielle Craig; Commissioner Chris Evans; Commissioner Benjamin Guerrero; Commissioner Michele Tereletsky; Commissioner Paul Wiley

Absent: Commissioner Marcus Forte; Commissioner Demetric Herron

Staff present: City Attorney Daniel Santee; Assistant City Manager Sarah Gonzalez; Deputy City Secretary Sheree Courney

### Call to Order

Chair Dana Eldridge called the meeting to order at 4:35 p.m.

### Hearing of Residents

*This time is set aside for any person who wishes to address the Charter Review Committee. 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 Committee as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Committee may be requested to leave the meeting.*

No residents addressed the committee.

### Discussion and Action Items

1. **Minutes:** Approval of the minutes from the April 2, 2024, Charter Review meeting. (S.Edmondson)

Moved by Commissioner Roger Booker, seconded by Vice Chair Richard Dziewit

AYE: Chair Dana Eldridge, Vice Chair Richard Dzewit, Commissioner David Bennett, Commissioner Roger Booker, Commissioner Danielle Craig, Commissioner Chris Evans, Commissioner Benjamin Guerrero, Commissioner Michele Tereletsky, Commissioner Paul Wiley

Passed

2. 2.A. Review and possible action on amendments to Charter Article IV.
- 2.B. Review and possible action on amendments to Charter Article V.
- 2.C. Review and possible action on amendments to Charter Article VI.
- 2.D. Review and possible action on amendments to Charter Article VII.
- 2.E. Review and possible action on amendments to Charter Article VIII.
- 2.F. Review and possible action on amendments to Charter Article IX.

No discussion regarding Articles IV through IX.

- 2.G .Review and possible action on amendments to Charter Article X.

Question was posed regarding the percentage of voters needed for a referendum and the percentage of voters needed for a recall.

Response: 15% of registered voters for a referendum and for a recall 20% of registered voters.

Chair Eldridge stated that if he felt someone needed to be recalled, then he would need to get out and find what is going on in the city. He doesn't think the number is that far off.

Commissioner Wiley stated if there are enough people who believe it is an issue, then the number is okay and should be left as is.

Commissioner Booker stated he believes the bar is too high. He thinks 10 and 15% are better as the City continues to grow.

Chair Eldridge stated that the number at 20% would be about 6,000.

Commissioner Evans asked how many voted compared to the number of registered voters. If you only get 5,000 people to vote, then you probably won't get the 6,000 needed for the recall.

Mr. Santee stated that currently Schertz requires more people for the recall than turned out for the election. The bar is too high because it is based on registered voters, not the number who voted. The percentage can be based on the number who voted. A lot of cities don't do that because the numbers will fluctuate, especially during presidential elections. Instead of more fixed bar, you will have one that moves with each election.

Commissioner Tereletsky asked if the percentage could be based on the number who vote in the mayoral election?

Mr. Santee said you could, but he hadn't seen that in any of the charters he has worked on.

Commissioner Bennett asked who validates the signatures are registered voters.

Mr. Santee responded that the City Secretary is responsible for validation of the signatures.

Chair Eldridge asked if any commissioners felt 10 and 15% was still too high or if any commissioners thought it was good at 15 and 20%.

Commissioner Booker stated he doesn't understand why the number of voters in comparison to registered voters is so low here. He hopes people will start voting. Restated that he feels 15 and 20% are too high.

Commissioner Tereletsky asked if the number could be limited to just the people that voted.

Mr. Santee stated that the individuals who sign the petition for a referendum or a recall didn't have to be registered at the time of the initial vote to be permitted to sign the petition. They just need to be registered voters at the time of the petition.

Chair Eldridge asked if there was a motion on the floor.

Commissioner Booker motioned to reduce the percentages to 10 (referendum) and 15% (recall), seconded by Commissioner Craig.

**AYE:** Chair Dana Eldridge, Commissioner David Bennett, Commissioner Roger Booker, Commissioner Danielle Craig, Commissioner Richard Dzewit, Commissioner Chris Evans, Commissioner Benjamin Guerrero, and Commissioner Michele Tereletsky.

**NAY:** Commissioner Paul Wiley

### **Section 10.08 - Limitation on Recall**

Commissioner Booker addressed the statement, 'No Councilmember shall be subject to recall within six months of his or her election to office nor more than once during one term of office' citing an example from Enid, Oklahoma. An elected official had previously participated in acts of insurrection that he kept hidden. After election it was discovered and voters just elected him out of office. He believes that if someone did that here, committed a heinous crime, and hid it from residents, then we should be able to recall them before six months.

Commissioner Dzewit stated there are rules for elected officials in Schertz, and Council should be able to address criminal activity and remove them from office.

Commissioner Booker stated that the Council in Enid, were apprised of the situation and were unable to address it due to something in their charter. The committee is tasked with City governance and should do something. He asked if there is something that addresses a situation where an elected official has tried to overthrow the government.

Mr. Santee responded that there is a provision in the Charter that requires forfeiture of office but, it requires final conviction of a felony or offense not just an arrest. Council does have a Code of Conduct which could trigger an investigation that would be part of public record. They would have to build the case, and he doesn't feel that

anything would result in a final disposition within the first six months of office. They would still need to meet the recall requirements and a vote would need to occur, all of which would take longer than six months.

Commissioner Booker asked if Council could suspend the elected official.

Mr. Santee responded that there is nothing in the Charter that would allow Council to suspend them, but they could censure them.

Commissioner Booker asked what would happen if an elected official had committed murder under a different name, was found out and arrested, what would happen to the vacant seat?

Mr. Santee responded that the person would have to be convicted, not just arrested. However, it would depend on how long the individual was in jail because there is an attendance requirement. He also stated that there are procedures that Council must follow after filing that take time.

Commissioner Evans stated that its valid because someone can start a rumor and the person did nothing.

Chair Eldridge went over the process and timelines required. Doesn't see six months as a problem.

Mr. Santee shared a scenario from a city in south Texas that occurred in the last five years, where a very popular Councilmember was accused of significant wrongdoing. A petition was circulated that garnered enough signatures for the recall. This Councilmember's supporters rallied and got enough signatures to have almost all the Councilmembers recalled who voted to allow for the recall to be placed on the ballot. As a result of this action, the Texas Rangers were brought in to do an investigation, which resulted in some people being sent to federal prison.

No changes recommended to Section 10.08.

Chair Eldridge reiterated the only change to Article X would be to Section 10.03 as stated above.

## 2.H .Review and possible action on amendments to Charter Article XI.

Article XI was omitted.

## 2.I. Review and possible action on amendments to Charter Article XII.

Article XII addresses Charter Amendments and the Charter Review Commission.

Chair Eldridge stated the Charter Review Commission had the ability to bring in the City Manager or other city officials if they thought it would be useful to the process. He stated he felt having Mr. Santee there was sufficient.

Commissioner Booker suggested adding a time frame to Section 12.03, which

currently states, "City Council shall periodically appoint a Charter Review Commission" to read "City Council shall appoint a Charter Review Commission every five years from the date last convened."

Mr. Santee recommended "Council will consider a Charter Review no more than every 5 years." This will allow Council to call for Charter Review any time after two years from the previous charter review/election but no later than 5 years following the previous charter review/election.

Chair Eldridge suggested "Council will periodically convene a charter committee but not to exceed 5 years:"

Mr. Santee added that you cannot have a charter election sooner than two years from the last election.

Commissioner Evans suggested a determined number of committee meetings. He added that each Councilmember should be permitted to nominate one individual and the Mayor two individuals to keep an odd number of commissioners.

Mr. Santee will bring back some language to address the nomination of charter review commissioners. He also mentioned that this charter will be on the ballot in 2024, which will be six years out from the next census.

Commissioner Booker also asked for a briefing prior to the first meeting of the committee that outlines their mission.

Chair Eldridge said that Councilmember Davis, who chaired the previous Charter Review Commission, provided a briefing at the first meeting. Commissioner Booker wasn't notified until after the first meeting, so he was unaware.

Mr. Santee asked if the City Secretary's Office had a webpage that included all the Boards, Committees, and Commissions with their Bylaws. Deputy City Secretary Sheree Courney responded that there is an active effort to update the webpage to include the mission of each of the volunteer boards. He stated that the Commissioners should have been given time to research with colleagues what's working within the City and what is not.

Chair Eldridge stated that Sarah, Mr. Santee, Richard, Mickey, and he have attended City Council meetings for years, and he hadn't seen any of the other commissioners there. It's hard for them to know what is going on in the city when they don't attend.

Mr. Santee recommended commissioners contact the City Secretary's Office for a copy of the current Charter Review. That way they can see what is in it and consider things that they think should be included.

Commissioner Booker would like to see the Comprehensive Master Plan included in the City Charter.

Mr. Santee added that State law has a whole chapter on Comprehensive Master Plans which is why most cities have left it out of their City Charter. Plus they are very

expensive, usually ranging from \$300,000 - \$400,000, do they want more control over how often they are done.

Mr. Santee stated it would have been a good idea for Council to have a Workshop to educate the public on the charter prior to convening a commission.

Commissioner Tereletsky asked for clarification on Section 12.03 (b) which reads "Make any recommendations it considers desirable to insure compliance with the provisions of this Charter by the several departments of the City."

Mr. Santee responded that any recommendations that this committee feels are necessary require the City Manager to insure they are being followed. He went on to state that when this conversation was initially brought forth, Mr. Williams indicated he couldn't confirm that this was being done because he wasn't sure what the provision meant.

Assistant City Manager Gonzalez indicated that the Committee could ask for City officials to speak to issues that are addressed in the Charter Review.

Mr. Santee went on to say that just because the committee as a whole didn't agree on something, so it won't be on the ballot, doesn't mean they aren't important issues that need to be addressed by/to Council.

Commissioner Tereletsky said she understood all of that, but the Charter provision indicates they are responsible for ensuring compliance and wanted to know how they could do that.

Mr. Santee responded that they are only responsible for making recommendations, not for ensuring compliance.

Mr. Santee went on to explain that the Charter Review Committee will have a full charter to review and then, collectively, they will write a report to present to Council. Council will decide if they want to add anything and then prepare the information for the ballot. If commissioners would like to have communications throughout the process, that can be arranged. All of the ballot language can be provided.

Assistant City Manager Gonzalez added that previous reports and presentation materials might be available through the City Secretary's Office.

In reference to Section 12.08 Disaster Clause, Commissioner Booker asked why Guadalupe County was the only County with authority 'to appoint a number of residents of Schertz, qualified to serve as City Councilmembers, equal to the number necessary to make a quorum to act during the emergency as the City Council'. Shouldn't Bexar and Comal County Commissioners have the same authority?

Mr. Santee responded that the default provision in state law is for the county to step in. Our charter specifies Guadalupe County, but he will check to see if there are any provisions that would allow for more than one county.

Assistant City Manager Gonzalez added that the reason it lists Guadalupe County is that the city offices are in Guadalupe County.

Chair Eldridge asked if there was a motion on concept.

Commissioner Evans motioned to make changes as discussed for Section 12.03, nomination and number of commissioners on the Charter Review Committee and the time frame for convening a charter review, seconded by Commissioner Guerrero.

**AYE:** Chair Dana Eldridge, Commissioner David Bennett, Commissioner Roger Booker, Commissioner Danielle Craig, Commissioner Richard Dziewit, Commissioner Chris Evans, Commissioner Benjamin Guerrero, Commissioner Michele Tereletsky, and Commissioner Paul Wiley.

**NAY:** none

Commissioner Tereletsky suggested having the reasons for the recommendations for changes proposed by the Charter Review Committee.

Mr. Santee provided that this information was listed for the 2016 Charter Review Committee in the Charter Commission Report found in the City archives. It is lengthy and provides all the details related to the recommendations that were made at that time. The report that will be completed for this Charter Review will include similar information.

Commissioner Booker suggested sending a link to that report to the next Charter Review Committee before their first meeting.

Chair Eldridge reminded the commissioners of the upcoming Volunteer Banquet scheduled for Tuesday, April 23, 2024.

### **Adjournment**

Chair Dana Eldridge adjourned the meeting at 5:51 p.m.

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Dana Eldridge, Chair

ATTEST:

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Sheila Edmondson, City Secretary