



ROCKWALL CHARTER REVIEW COMMISSION MEETING

THURSDAY, JANUARY 23, 2025 - 4:00 PM

City Hall Council Conference Room (main (2nd floor) behind Council Chambers)

385 S. Goliad St., Rockwall, TX 75087

1) Call meeting to order

Chairman Fowler called the meeting to order at 4:05 p.m. Present were Chairman Kevin Fowler, Vice Chairman John Hohenshelt and Commissioners Mike Townsend; Todd White; Bennie Daniels; Stan Jeffus; and Nell Welborn. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and Director of Administrative Services David Sweet. City Attorney Frank Garza attended the meeting virtually via video teleconference (ZOOM). Commissioners Jim Pruitt, Dale Cherry and Derek Deckard were absent from the meeting.

2) Open Forum / Public Comments

Chairman Fowler asked if anyone would like to speak at this time.

City Councilmember, Mayor Pro Tem Clarence Jorif, briefly spoke, thanking members of the Commission for their work and efforts to review the city's Charter.

Hal Hutchins
309 Stonebridge Drive
Rockwall, TX

Mr. Hutchins stated he has been a resident since 1988, having moved to Texas with the JCPenney Corporate Office. He shared several community-related organizations and efforts he has been involved with over the last thirty-seven years, including with the local Republican party. He went on to share that he has concerns about democracy, expressing he does not believe our city council has been as receptive to citizens' concerns and rights as it should be. He gave an example from 2018 when the topic of sidewalks vs. no sidewalks was discussed at a city council meeting. In that instance, despite many in attendance expressing opposition to the installation of sidewalks, the city council moved forward with doing so. He went on to share the belief that single-member districts should be established so that true democracy can be realized, including for minorities.

Susie Stansel
1282 Salinas Drive
Rockwall, TX

Ms. Stansel shared she has been a resident of Rockwall since about 2010 and is currently the Democratic Chair in Rockwall County. She expressed she is in favor of the establishment of single-member districts in the City of Rockwall. She is in support of them because it would mean that a city council member is elected from a particular area and would represent constituents within that

certain area. She believes this would result in council members being more attentive to the needs of their constituents. She asked the Charter Review Commission to consider recommending single-member districts.

No one else came forth to speak during Open Forum. So, Chairman Fowler closed this portion of the meeting.

- 3) Discuss and consider approval of the minutes from the December 5, 2024 Charter Review Commission meeting, and take any action necessary.

Vice Chair Hohenshelt moved to approve the minutes, as presented. Commissioner Daniels seconded the motion, which passed unanimously of those present (7 ayes with 3 absences (Cherry, Deckard, and Pruitt)).

- 4) Discuss and consider ratifying the selection of Commissioner Kevin Fowler to serve as Chair and Commissioner John Hohenshelt to serve as Vice Chair of the Charter Review Commission, and take any action necessary.

Commissioner White moved to ratify the selection of Fowler as Chair and Hohenshelt as Vice Chair. Commissioner Welborn seconded the motion, which passed unanimously of those present (7 ayes with 3 absences (Cherry, Deckard, and Pruitt)).

- 5) Discuss and consider recommendations regarding possible amendments to the City's existing Charter, and take any action necessary.

Chairman Fowler suggested recapping past discussions at the last meeting, which transpired in December, specifically related to the topics incumbent city councilmembers have asked the Charter Review Commission to evaluate. The first topic was related to city councilmember and (board/commission member) appointee conduct (*allowing for processes on cases to properly go through the appropriate commissions, online conduct; etc. There seems to be standards for personal conduct in terms of criminality; however, it may be time to consider social media*). Chairman Fowler indicated that, regarding this topic and associated discussions at the December meeting, the Charter Commission generally concluded that the existing Charter and/or Code of Ethics regulations already cover these types of concerns. City Attorney Frank Garza shared that, yes, the Charter does allow for investigations. Additionally, the city's current ethics code states it will follow State regulations, and the city does not currently have any adopted regulations that are more stringent. Chairman Fowler indicated the belief that this particular area of concern expressed by an incumbent council member is related to, for example, an elected official posting something on social media that others consider to have been inappropriate. Mr. Garza shared that a lot of other cities have adopted a "Code of Conduct" ordinance for both elected and appointed officials. The City of Rockwall does not currently have one in place; however, he does *not* recommend that a "Code of Conduct" be included in the city's Charter. It is more appropriately addressed by ordinance rather than within a charter. The reason is that if it's adopted by ordinance, it can be fluid and more easily changed over time; whereas, if it is part of the charter it will remain in there unless or until removed or changed by voters. All Commissioners seemed to agree this is not a topic that should be addressed within the city's Charter.

Chairman Fowler moved on to the next topic, which is regarding elections – City of Rockwall requires

plurality vote when electing council members. The council member expressed he would like the Commission to consider requiring a MAJORITY VOTE in all elections. This would require a runoff for any candidate not receiving more than 50% of votes cast. Chairman Fowler shared that right now, if three candidates are running in a particular seat, the person who garnishes the most number of votes wins. Commissioner Jeffus shared that prior discussions, in part, touched on it being costly to hold run-off elections. Also, if a run-off election is held, voter turnout is likely going to be very low. Fowler questions if most people would prefer to see a candidate win by 51% or if they would be satisfied with a candidate winning by 34%. General discussion ensued related to cost of run-off elections and also evaluation of the differences between a candidate garnishing a plurality number of votes versus a majority number of votes as well as voter turnout likely being notably lower for a run-off election when compared to the initial election held. Fowler shared that the current mayor did some evaluation on our city elections over the past forty-year period, and – of those elections – 25 contested races occurred with three candidates. Of the twenty-five races, 10 of them had victors who won by plurality, and fifteen of them were won by majority. Commissioners asked for feedback from Mr. Garza, City Attorney, on any potential pitfalls. Mr. Garza shared that, no – there are not pitfalls to either option (plurality or majority). He pointed out that General Law cities in TX are automatically subject to “plurality” under state law. He shared that about half of the Home Rule cities he represents have plurality elections, and the other half have majority elections. He pointed out that a city in Texas can no longer set its own date for a runoff election to be held. Now, in Texas, it is the Secretary of State’s office that sets the runoff election dates for all jurisdictions statewide. He shared that two General Election dates exist currently within Texas – one is in May and the other is in November. He recently had a city that held an election in November, and it resulted in the need for a runoff election. So, the date of the runoff election was the Saturday after Christmas, and the turnout for that runoff election was very low. General discussion ensued related to the pros and cons of plurality versus majority. Commissioner White indicated that he personally dislikes when elections get cancelled because no opponents are drawn. He also sees value in someone winning an election by 51% of votes cast. He also likes the idea of run-offs because it continues further discussions with and among candidates.

Vice Chair Hohenshelt moved to leave the plurality provisions ‘as is’ within the current charter. Commissioner Daniels seconded the motion, which passed by a vote of 6 ayes, 1 nay (White), and 3 absences (Cherry, Deckard and Pruitt).

The next two topics put forth by a council member for the Commission’s consideration were as follows: *Even Number Seats Running for Mayor – evaluate if even numbered seats should be required to give up their seats, upon election, and allow for those seats to be placed on ballot with odd numbered seats in a mayoral election year, thus allowing voters to choose their officials, rather than create an open seat to be filled by appointment.*

Remove all appointment provisions from Charter and instead allow for a special election for any open or vacated seats.

Brief comments were made, recapping the discussions on these topics at the last meeting in December. City Attorney Frank Garza shared that only the governor of the state may call a special election, and the governor has never done so for a special election for a municipality to fill a vacant seat. So if a councilmember resigned in September, it would be too late to call an election for November. So, that seat would remain vacant until the following year at the May General Election. He expressed that for municipalities with two-year terms, he is a very strong proponent of allowing

the remaining councilmembers to fill a vacant seat by appointment until the next, regular municipal election. If not, a vacant seat could exist for quite a long time.

Regarding those serving in odd-numbered seats running for mayor, Chairman Fowler explained that, if they do so and lose, then the person is no longer a member of the city council. This is not the case for those serving in even-numbered seats. They can run for mayor and not have to vacate their seat if they lose. Mr. Garza shared that he has one city whose charter requires that any existing councilmember running for mayor has to resign his/her seat. Then, whomever does not win the mayoral race, that person's seat is considered to be vacant, and the remaining members of council fill the vacant seat by appointment (after the election has occurred) until the city's next General Election. He shared that these sorts of provisions would be a big change for Rockwall if it were to make these sorts of changes within its Charter.

Following some additional discussion, regarding these two topics, Vice Chair Hohenshelt moved to leave the respective provisions 'as is' within the current charter language. Commissioner White seconded the motion, which passed by a vote of 7 ayes to 0 nays (3 absences - Cherry, Deckard and Pruitt).

The next topic the Commission has been asked to look at by a councilmember is as follows: *City Council or Board/Commission attendance and associated accountability should be part of the charter for key board members/commissioners appointed by Council.*

Chairman Fowler and Vice Chairman Hohenshelt both expressed that these provisions are already in place; however, it is up to the city council members to actually put into action the removal of a board or commission member if attendance is of concern. It was pointed out that the existing Charter already addresses attendance of city council and board / commission members within Section 8.01(5).

Commissioners briefly debated whether or not to take a vote on this matter, and they decided to do so. Chairman Fowler asked if, whomever makes the motion, will please also consider including the first topic (which was as follows: *Evaluate council member and appointee conduct - Such as allowing for processes on cases to properly go through the appropriate commissions, online conduct; etc. There seems to be standards for personal conduct in terms of criminality; however, it may be time to consider social media*). Commissioner White moved to take 'no action' and make no recommended changes pertaining to both of these topics. Vice Chair Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays (3 absences - Cherry, Deckard, and Pruitt).

Regarding the next topic the Commission has been asked to review, which is as follows - *Evaluate alternative(s) to City Manager making the city council member appointments following (catastrophic) disaster*. The commissioners indicated that they know of no better alternative than how it is stated currently. City Manager Mary Smith expressed that if a terrible, catastrophic event does occur and a slew of seated members on Council perishes, she will be calling those sitting in this very room to see if they will agree to be appointed to serve. Following brief comments, Commissioner White moved to not make any changes to these provisions. Vice Chair Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays (3 absences - Cherry, Deckard, and Pruitt).

Chairman Fowler conveyed that he would like to have a discussion regarding the current Charter provisions that allow someone to serve on council for three two-year terms and then one two-year

term as mayor thereafter. He would like input on the possibility of recommending adding one, additional two-year term as mayor (for a total term of 10 consecutive years on Council). Fowler generally explained that, once elected mayor in a first term after serving in a council member capacity, it takes a little while to get your feet wet and get moving towards any sort of causes or agenda you may want to tackle and try to accomplish as mayor. So, he sees merit in adding one more two-year term as mayor. Commissioner Jeffus seemed to agree, stating that he sees merit to that sort of continuity.

Mr. Garza shared that this would be a pretty simplistic change. In Section 3.01(a), it would just need to be modified to say: *No person will serve more than three consecutive elected terms as either a Council member or as Mayor. In addition, no person will serve for more than ~~four~~ FIVE consecutive elected terms as Council member and Mayor (combined).*

Following some additional discussion and clarification, Mr. Garza shared that Rockwall is unique, expressing that most home rule cities he represents allow four two-year terms as a councilmember and also four two-year terms as mayor. Most cities do not have the limitations Rockwall has – most see service as councilmember and service as mayor as two totally different types of service. The only exception in cities Mr. Garza provides legal counsel for is the City of Cibolo. In that city, regardless of the position (council member or mayor), a person is limited to four terms. Commissioner Welborn shared she is strongly in favor of having term limits. The other Commissioners agreed. Welborn also expressed that there have been times when a Mayor Pro Tem has been appointed as Mayor. She does not believe that, in those instances, the appointment should count as one of the person's terms.

General discussion ensued among Commissioners related to term lengths and term limits.

Vice Chair Hohenshelt then moved to put forth a recommendation that this section of the Charter be changed as follows: Section 3.01(a) – *No person will serve more than three consecutive elected terms as either a Council member or as Mayor. In addition, no person will serve for more than ~~four~~ FIVE consecutive elected terms as Council member and Mayor (combined).* Commissioner Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays with 3 absences (Cherry, Deckard, and Pruitt).

Mr. Garza shared that this potential change would be considered a substantive one, so it would appear on the ballot as a proposition on its own. Mr. Garza and the Commissioners discussed that the Council has indicated a possible Charter Election for November of 2025; however, several expressed that it makes more sense to not have election-related expenses for a November election. It would make more sense to hold off and do any Charter propositions along with the city's regular (city council member) election in May (2026).

Chairman Fowler shared that Commissioner Daniels has emailed some fairly minor word-related tweaks to both him and the city manager. Indication was given that these comments will be forwarded to Mr. Garza, City Attorney, for review. Mr. Garza went on to articulate one recommended change. The reason for this potential change is because the State, more and more, is taking away authority from cities. The change would be a caveat being added to the Charter that basically says that City Council, by ordinance, can make non-substantive amendments to its Charter to correct typographical errors, grammatical errors, references to state law and/or changes to state law, and numerical changes. He indicated he is working to draw up appropriate ballot language on what said proposed amendment might look like. Overall, Frank will ensure he develops proper

recommendations to address ensuring the Charter complies with all state and federal regulations.

At this point in the meeting Sol Villasana, local Rockwall resident, was invited to come forth and speak about single-member city council districts. Chairman Fowler articulated some of the challenges involved with single-member districts. Mr. Garza shared that the census occurs every ten years, and the goal set by the Justice Department is that, with regard to single-member districts, the largest district, when compared to the smallest district, should have a deviation of no more than 10 percent.

Mr. Villasana went on to brief the Council on a presentation he prepared related to single-member districts, including how they work, their size(s), their benefits, and other details. In part, Mr. Villasana shared information about past city elections when voter turnout was only just over 5 percent, and in a mayoral race election when turnout was about 11 percent. He expressed the belief that low voter turnout is evidence of a broken election system within the City of Rockwall. He shared the belief that single member districts will draw more candidates and more candidates will result in higher voter turnout. He went on to share additional analysis he performed related to election precincts, voter turnout, and related matters.

Vice Chair Hohenshelt generally expressed curiosity about what sorts of things could realistically be accomplished by a candidate who becomes elected via single member district elections that might possibly differ from those who end up on city council through the current 'at large' system. He pointed out that a council member in Rockwall only has so much control over things, and mostly they focus on development and on road/infrastructure concerns. And, most of our roadways in our city, the city itself has no control over anyway because they are state (TXDOT) roadways. Commissioner White pointed out that in City of Dallas' most recent election, no one ran against the mayor, their city turnout was 8 percent, and they have districts. Commissioner White indicated that there were lots of candidates running in some districts and some not. Mr. Villasana shared that he previously served on the City Charter Commission in City of Dallas, and that city is very different than Rockwall – different electorate, extremely different socioeconomics and demographics. Mr. Villasana shared two maps – one showing that five current city council members live north of IH-30 and only two live south of IH-30. Also, many more current board/commission members live on the north side of the city when compared to the south side of the city. He expressed that this is a concern and it causes problems for both the electorate and those running for city council. He indicated the belief that the current system is inhibiting the service and development of future city leaders, in particular related to those serving on boards and commissions, which is typically a pipeline to future service on the city council.

Commissioner Welborn generally expressed the belief that a lot of residents are not becoming involved in the city level government (running for council and/or service on boards and commissions) because many are young families, and they are occupied with family-related matters such as picking up their kids from school, getting them fed, getting them to sports practices, getting their homework done, etc.

Vice Chair Hohenshelt respectfully excused himself from the meeting at this time (5:40 p.m.).

Commissioner Jeffus shared that about five years ago he was involved in a study that evaluated volunteerism. He pointed out that Rockwall does, overall, have a lot of volunteers (i.e. the PTA, Meals on Wheels, and other organizations).

Mr. Villasana expressed the belief that our current municipal election “at large” system in Rockwall is ‘broken’ and needs reform because it fails to foster competitive elections, fails to help with voter turnout, and fails in the area of diverse participation. He, therefore, believes it is in need of reform.

Commissioner Townsend expressed that county level precincts have some discrepancies between and among them (i.e. more voters show up to vote in some precincts when compared to others). He questions if precincts will change who actually shows up to vote.

Mr. Villasana went on to articulate several ‘pros’ he has identified associated with single-member districts and associated representation of voters and constituents. He strongly recommended that single-member districts be put forth to the City Council for inclusion on a Charter Amendment election to allow voters to decide on this matter.

Chair Fowler shared that he prefers for as many Charter Review Commissioners as possible (preferably all of them) to be present before making a decision regarding a possible recommendation on single-member districts. He would like to spend some additional time discussing this matter as well. Fowler wonders if there are certain pockets of the city or neighborhoods within the city that are not getting ample attention from city council members (currently elected ‘at large’). Fowler wonders what issues are attempted to be solved by single-member districts. Mr. Villasana expressed the belief that single-member districts would address voter turnout, encourage more participation, and promote more competitive elections.

Mr. Garza shared that, of cities he legally represents with populations of 50-80k residents, only one has a combination of single-member districts (a ‘hybrid’ of sorts). That city has three at large (the mayor plus two other council members), and then they have four single-member districts. At the request of Chairman Fowler, Mr. Garza shared what some of the rules are related to creation and drawing of single-member districts. One of the rules is that there not be a deviation of greater than ten percent between the smallest and the largest district. In addition, it is not recommended that voting precincts be split, as it creates a lot of difficulties for the elections administrator. The goal is to try and keep the voting districts in place. You have to work hard to best determine which neighborhoods should be combined together and which neighborhoods are okay to be split. Districts are usually redone once every ten years once the official U.S. Census data is released. They’re usually not done more often than that because of the cost associated with hiring professionals (demographers) to assist with the process. Within that ten year timeframe there will likely be districts that have grown quite a bit, and there will be ones that have not. Indication was given that there are professionals who would be hired to help draw the districts and ensure they comply with requirements. Indication was also given that, if single-member districts were to go on the ballot, pass and be implemented, an implementation plan would need to be put into place (i.e. it would go into effect following the 2030 Census data being released (usually in 2031) and the districting maps being established. Also, if single-member districts were to become instituted but then not work well and the city wanted to go back to ‘at large’ elections, putting forth a subsequent Charter amendment to go back to the previous system is possible.

No action was taken pertaining to “single-member districts” as a result of the conversation that transpired. Chairman Fowler shared that he would like some time to digest the information, and he prefers that all Charter Review Commissioners be present (if possible) when decisions are made related to that topic.

6) Discuss future meeting dates/times

The next meeting will be held on Thurs., February 6 at 4:00 p.m. unless there are notable conflicts. In that case, it will be scheduled for Thurs., February 13 at 4:00 p.m. instead.

7) Adjournment

Chairman Fowler adjourned the meeting at 6:15 p.m.

PASSED AND APPROVED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF FEBRUARY, 2025.



KEVIN FOWLER, CHAIRMAN

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

