

ROCKWALL CHARTER REVIEW COMMISSION MEETING

THURSDAY, FEBRUARY 6, 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 4:00 p.m. Present were Chairman Kevin Fowler, Vice Chairman John Hohenshelt, and Commissioners Bennie Daniels, Dale Cherry, Stan Jeffus, Nell Welborn, Todd White, Jim Pruitt, Mike Townsend, and Derek Deckard. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, Director of Administrative Services David Sweet, and City Secretary Kristy Teague. City Attorney Frank Garza participated in the meeting via video teleconference (ZOOM).

- 2) Open Forum / Public Comments

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

Sol Villasana
809 Village Green Drive
Rockwall, TX

Mr. Villasana addressed the Commission, thanking the members for previously listening to his presentation regarding single member districts relative to city council elections and the structure of the city council. He went on to express his belief that modifying the city's Charter language to allow for the creation of single member districts would be advantageous because it would (1) increase citizen participation, (2) generate more diverse participation, especially on the part of minorities, and (3) generate more diversity on city boards and commissions. He believes it is only a matter of time before the city makes a switch to single member districts anyway, so why wait? He urged the Commissioners to include in their recommendation to the Rockwall City Council putting forth a ballot proposition to change the city council to single member districts to allow voters an opportunity to decide on this topic at a November 2025 election.

There being no one else wishing to come forth and speak, Chairman Fowler closed Open Forum.

- 3) Discuss and consider approval of the minutes from the Jan. 23, 2025 Charter Review Commission meeting, and take any action necessary.

Vice Chair Hohenshelt moved to approve the minutes, as presented. Commissioner Cherry seconded the motion, which passed unanimously (10 ayes to 0 nays).

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

Discussion began with review of edits from the City Attorney, Frank Garza, which were previously emailed to Commissioners and were made available in printed form at the meeting. The first recommended change is found in Art. III, Sec. 3.01, is a (recommended) substantive change, and it is as follows:

- (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). A member who has served the maximum number of consecutive terms may serve additional terms subject to the same limitations after a break in service of one year or more.

In addition to this previously discussed, substantive change, Indication was given that pronoun-related (i.e. "he/she") changes (considered non-substantive) were also made throughout the document.

Discussion took place related to Commissioner Daniels having previously brought up some questions, which he indicated were 'technical' questions, rather than 'substantive' ones. He summed up by indicating he believes the things he has brought up are best addressed by the city council and city attorney.

City Manager Mary Smith brought up the topic of current Charter language related to the timeframe the City Secretary has to validate a petition received. Currently, it says:

Sec. 6.07. Certification of petitions and presentation to City Council.

- (1) Within twenty-one days after the petition is presented, the City Secretary must complete a certificate of sufficiency or insufficiency. Sufficiency must be determined by compliance with this Article.

Indication was given that, as the city has grown, twenty-one days has been found to be a difficult timeframe (too short) to get a petition reviewed and to get all the signatures verified. For example, a while back, an alcohol-related petition was received right before Christmas, and the current Charter language does not take into account Christmas, New Year's holidays or weekends. So, it was a very difficult endeavor to verify thousands of signatures within the prescribed 21-day timeframe.

Mr. Garza shared that making a change to this specified time would be a substantive change (it would need to be a ballot proposition).

Following extensive discussion, Commissioner Welborn moved to put forth a recommendation that the number of days to certify a petition be changed from 21 days to "30 days" within the City Charter. Commissioner Deckard seconded the motion, which passed unanimously (10 ayes to 0 nays).

Regarding Sec. 11.08 "Notice of Claim," Commissioner Pruitt discussed this recommended change with Mr. Garza.

Sec. 11.08. Notice of claim.

The City will not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages will, within ~~sixty~~ **one hundred and eighty** days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

State law reference(s)—Tort claims, V.T.C.A., Civil Practice and Remedies Code § 101.001 et seq.

Mr. Garza explained that courts have ruled that a municipality that requires ‘notice of claim’ must give sufficient time for the person to provide the notice of claim. The current language allows a period of 60 days, but courts have consistently ruled that six months is a sufficient amount of time to present a notice of claim. So, he explained, the City can keep this at sixty days and deal with the matter if/when challenged on it sometime in the future. Or, the City can go ahead and try to get this change made so that it’s consistent with court decisions in Texas. This would be a substantive change to the Charter.

Regarding Sec. 11.10. “Service to process against City.” – Commissioner Pruitt explained he’d like to see this language modified. Mr. Garza shared that most city charters he has seen say both the city manager or city secretary may be served with a lawsuit. Mr. Garza indicated very few city charters list the mayor as one who may be served. Mr. Garza went on to suggest the language be modified to specify the City Manager’s Office or City Secretary’s Office to make it more expansive (in case someone is out of the office on extended leave or vacation).

It was ultimately agreed to modify the language to remove the Mayor, City Manager and City Secretary and just specify “City Manager’s Office” in Sec. 11.10 regarding “Service to process against city.” Commissioner Hohenshelt moved to recommend this as a proposed change to the Charter language. Commissioner Townsend seconded the motion, which passed unanimously (10 ayes to 0 nays).

The next topic was modifying language that Mr. Garza explained would eliminate the need for future Charter amendments related to ‘technical changes’ only. The language he is proposing for consideration is as follows:

Sec. 11.14. Amendment of Charter.

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the constitution and the laws of the State of Texas as presently enacted or hereafter amended.— However, the City Council may, by ordinance, make nonsubstantive amendments to the City Charter to correct typographical errors, grammatical errors, references to laws which have been changed or which references are, for any reason, incorrect, and to neutralize all gender references; provided, that no such amendment shall change the meaning or substance of the Charter.

This would give the city council an ability to, by ordinance, update the Charter if correcting typographical errors, grammatical errors, references to laws that have been changed, incorrect references, to neutralize gender references, and ensuring that no such changes would change the meaning or substance of the Charter. He shared that a lot of cities he provides legal counsel to are adopting a provision like this in their Charter so that they do not have to have future Charter elections just for technical changes.

Rather than go forward reviewing the city attorney’s recommended edits, one-by-one, Vice Chairman Hohenshelt moved to approve of putting forth all of the recommended edits suggested by the city attorney, including the one just discussed (for Sec. 11.14). Commissioner Deckard seconded the motion, which passed by a vote of 10 ayes to 0 nays.

Chairman Fowler asked if there are any additional topics Commissioners would like to discuss before moving on to the topic of single-member districts.

Commissioner Welborn explained her understanding that it's up to the city council to administer the ethics-related regulations. Indication was given in response that, yes, they 'police' themselves. Welborn wonders what would happen if a council member has a strong personality and fellow council members do not call the person out. Commissioner Pruitt pointed out that any sitting Council can put forth ethics provisions, via passage of an ordinance, and doing so would not require anything related to the City Charter. Welborn explained she has some concern related to 'enforcement.' Most other Commissioners seemed to agree that enforcement has to be up to the other, remaining members of Council. Pruitt encouraged Welborn to consider taking the topic of adopting ethics regulations before the city council for consideration. He does not see any problem with the topic or with Welborn proposing such regulations. He just does not believe those regulations are a topic for the city's charter. Chairman Fowler agreed that Welborn's concerns are valid and should not be dismissed; however, he agreed it should be taken to city council for possible ordinance-related action rather than addressed in the city's charter. Mr. Garza discouraged specific ethics provisions being included in Charter language; however, he does believe it's okay to say in a Charter that 'a city council shall adopt an ethics ordinance.' Indication was given that the city's current ordinance basically states that the city will follow state ethics-related regulations.

Regarding single-member districts, Commissioner Daniels asked Mr. Villasana for clarification regarding minorities. Mr. Villasana shared that he believes there would be more minority participation in the election process if there were single-member districts. Daniels pointed out that Mr. Villasana is drilling things down to a finer point than even neighborhoods. He also pointed out that the city has 46% minority representation on the city council now. Secondly, regarding the 2030 Census, he pointed out that in late 2026 or early 2027, a five-year adjustment will be put out by the Census Bureau. So, it's not 'now' or else it will be over ten years (from the last census). Commissioner Deckard indicated that he does not see how single-member districts would guarantee minority participation at a higher level. Commissioner Jeffus commented that County Commissioners in Rockwall basically have single-member districts, and he wonders how that works. Indication was given that, countywide, there is a larger population, larger districts, and less districts. So, this results in a lot less possibility of gerrymandering. Commissioner Pruitt pointed out that some years ago, when looking into this, he remembers not being able to gerrymander any district lines within the city that would result in a "majority minority population" district. He does not believe that has changed since that time. Pruitt indicated that if a "majority minority population district" could be identified / found within the city, then he would agree with Mr. Villasana; however, he does not believe it's possible and does not believe the city is violating anyone's voter rights 'as is.'

Mr. Villasana clarified his belief that single-member districts will create more participation from the citizenry at large, more neighborhoods participating, including some neighborhoods where there is a higher concentration of minorities (not necessarily enough to make a district), and neighborhoods will be incentivized and neighborhoods will be activated. Mr. Villasana agreed that he and Pruitt discussed this topic about ten years ago. He urged the Commission to look forward into the next ten years. He believes there will be more participation, more diverse participation (in all levels of the city), including on board and commissions, if single member districts are put in place. Pruitt shared that, one thing he likes about Rockwall when compared to what has been seen over in Royse City and Fate is, that because Rockwall has such a diverse population, it is hard for one group to get mad, ban together, and throw everyone out of the city. He pointed out that the city has, for example, experienced residents in particular neighborhoods being upset about certain subdivisions coming in near them in the past. However, decisions end up being made because councilmembers take into consideration the views of all residents throughout the city - instead of the viewpoints of residents located within just one particular area. This helps with decisions that are made by council members, particularly related to zoning ones.

Chairman Fowler shared that he has a hard time believing that single-member districts will result in more participation. Commissioner Deckard shared he believes things like Presidential elections do cause more voters to participate. Mr. Villasana shared that he is not talking 'turnout,' but – rather – there will be more people involved and engaged, including more candidates running for local office. City Secretary, Kristy Teague, shared that - related to the upcoming election in May (2025) - there are several candidates (9 so far), several of whom are minorities.

Regarding boards and commissions, Vice Chairman Hohenshelt shared that opportunities are 'wide open' for residents to apply for and participate on boards; however, the city is constantly begging for people to participate and sometimes scrambling to fill vacancies. Commissioner Welborn shared that one time, years ago, most of the council members lived in the Chandlers Landing subdivision. Sometimes, there has been a concentration of those serving and living in The Shores subdivision. Commissioner Townsend agreed that, most of the time, the city is begging people to step up to serve on boards and commissions. Mrs. Smith, City Manager, pointed out that recent appointees to City Council (to fill vacancies) were a black male and a Hispanic female. Chairman Fowler pointed out that 'political ideology' comes into play in these sorts of discussions. Commissioner Deckard shared that he does believe there is diversity currently on the city's Planning & Zoning Commission, as far as political viewpoints are concerned. Commissioner Welborn shared that she previously mentored Freddie Jackson, who was a minority resident who previously ran for city council some years ago. She shared her belief that candidates must focus on self-improvement and polishing themselves for campaigning for office.

Indication was given that single-member districts in and of themselves create some challenges (i.e. hiring demographers). Then, potentially doing a combination of single-member districts, coupled with 'at large' seats, creates a whole set of additional complications. Commissioner White moved to take no action and make no recommendation regarding possibly changing the current "at large" set up of the city council and related city elections. Vice Chair Hohenshelt seconded the motion, which passed by a vote of 10 ayes to 0 nays.

Chairman Fowler shared that, at some point, single-member districts may become a change the city needs to make, but he is not sure at what point that may be. Commissioner Deckard suggested it may be if/when the city goes to three-year terms with 'a majority vs. a plurality.' Right now, though, it has too many complications associated with it that have been talked about in a negative light.

5) Discuss future meeting dates/times

Commissioner Pruitt moved to disband the Commission and consider its work as 'complete' at this time. Vice Chairman Hohenshelt seconded the motion. Chairman Fowler agreed there is no need for the Commission to hold additional meetings. He will plan to go before City Council at the March 3 city council meeting to provide the Commission's "findings" in the informational meeting packet and to answer any questions the city council members may have.

Mr. Garza shared that he will make the final revisions in the Charter document, including those discussed this afternoon, and he will get them to Ms. Teague for distribution to the Commission members for final review.

Commissioner Daniels went on to thank Pruitt and all prior Charter Review Commissioners because – since they had done such good work previously – this current Commission had very little work to do. The motion to disband passed unanimously.

6) Adjournment

Chairman Fowler thanked the Commissioners for their service and for allowing him the opportunity to Chair. He adjourned the meeting at 4:50 p.m.

ALTHOUGH THE CHARTER COMMISSION DID NOT MEET SUBSEQUENT TO THIS PARTICULAR MEETING, THESE MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF ROCKWALL, TEXAS WERE REVIEWED BY COMMISSIONERS AND THEN EXECUTED BY THE CHAIRMAN OF THE COMMISSION ON THE 3rd DAY OF MARCH, 2025.



KEVIN FOWLER, CHAIRMAN

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

