

**STATE OF TEXAS
COUNTY OF TARRANT
CITY OF BEDFORD**

The Charter Review Commission of the City of Bedford, Texas, met in regular session at 4:15 pm at the City Hall Building C Meeting Room, 1805 L. Don Dodson, Bedford, Texas, Tuesday, the 11th of January 2022 with the following members present:

Tom Bresnahan
Tony Comparin
Nichelle Dawkins
Yvonne Garcia
Dorothy McWhorter
Jesse Owens

Mary Anna Callaway
Shenandoah Cronin
Marty Geer
Roy David Morgan
Richard Spencer
Treasure Ford

Constituting a quorum.

Others Present:

Bryn Meredith – City Attorney
Jimmy Stathatos – City Manager
Michael Wells – City Secretary

Absent:

Andrew Woolen

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

Chairman Comparin called the meeting to order at 4:15pm. He stated that this will be the last meeting since he needed to present recommendations to the City Council to consider on January 25.

APPROVAL OF THE MINUTES

- 1. Consider approval of the following Charter Review Commission minutes:
a) December 14, 2021, regular meeting**

Ms. Callaway mentioned there was a typo under 4. New Business, Section 2.03 Qualifications. The sentence read “There was discussion about the lack of clarity on the proposed change because it combines qualifications for individuals who are not in office and those who are in office *back* lack the qualifications.” The word should be “but” instead of “back”.

Ms. Callaway moved to approve the minutes as amended. Mr. Morgan seconded, and the

minutes were unanimously approved by the Commission.

PUBLIC HEARING

2. Public hearing to receive input from citizens regarding recommendations for changes to the Charter.

No one spoke at the public hearing.

OLD BUSINESS

3. Discussion and possible action on clarifying changes to Article III, Section 3.07 – City Attorney as it relates to appointment or removal from office.

City Attorney Meredith presented the following:

Sec. 3.07. - City attorney.

(a) The city attorney shall be a person admitted to the practice of law by the State of Texas and shall have practiced law for at least four years.

(b) The city attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees of the city in matters relating to their official powers and duties. The city attorney shall represent the city in all legal proceedings. The city attorney shall perform all services incident to the position as may be required by statute, by the City of Bedford Charter, or by ordinance.

*(c) The city attorney shall be appointed to or removed from office by a **minimum of four majority (4) affirmative votes** of the city council.*

This change provides clarity in the instances where there are vacant offices, and 4 city council members is not the majority.

Chairman Comparin asked for a vote on this revision. The Commission voted unanimously to approve this revision. The Commission voted unanimously again to place this with Commission recommendations that will go to the council.

NEW BUSINESS

4. Review of redline amendments already approved by the Commission.

The Commission review the Section changes already approved:

- 1) Section 2.04 – Compensation
- 2) Section 3.07 – City Attorney (Commission voted to replace with City Attorney Recommended language)
- 3) Section 8.02 – Municipal Judge

4) Section 9.04 – Same Legal effect.

No additional recommendations were suggested.

5. Discussion and possible action on the following item tabled from previous meetings:

a) Article II, Section 2.03 – Qualifications

Ms. Dawkins moved to withdraw the changes that were debated on 12/14/2021 and approve the initial changes discussed and approved 9/28/2021. Ms. Garcia seconded the motion. The motion was approved unanimously by the Commission.

b) Article II, New Section 2.22 – Forfeiture of Office

Ms. Dawkins moved to recommend adding the following section to Article II:

Sec. 2.22 – Forfeiture of Office

A councilperson shall forfeit his office if he:

- (1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by Texas law; or*
- (2) Is convicted in any court of (1) a felony, or (2) a Class A or Class B misdemeanor, or (3) a crime involving moral turpitude, or*
- (3) Fails to attend three (3) consecutive regular meetings of the Council without first being excused by the Council; or*
- (4) Willfully violates any express prohibition of this Charter.*

Ms. Garcia seconded the motion.

There was discussion on each part of this new section. It was determined that part 1 and part 4 were duplicative and addressed by other Articles/sections in the Charter.

Ms. Dawkins amended her motion of the recommendation to read:

A councilperson shall forfeit his office if he:

- (1) Is convicted in any court of (1) a felony, or (2) a Class A or Class B misdemeanor, or (3) a crime involving moral turpitude, or*
- (2) Fails to attend three (3) consecutive regular meetings of the Council without first being excused by the Council.*

This recommendation was seconded by Ms. Garcia. The Commission voted 10 in favor, 0 against, and 2 members abstained from voting. A second vote was taken to send the recommendation to the City Council. 11 voted in favor, 0 against, and 1 member abstained from voting.

c) Article II, New Section 2.23 – Procedures for Expulsion or Forfeiture of Office

Ms. Dawkins moved to recommend the following section be added to Article II:

Sec. 2.33 Procedure for Expulsion or Forfeiture of Office.

The council shall employ the following procedure when there is an allegation that a member of Council has forfeited his or her office or is subject to expulsion from office pursuant to the terms of this Charter. The procedure set forth herein shall not be required when a member of Council is convicted in any court of (1) a felony, or (2) a Class A or Class B misdemeanor. The procedure shall be as follows:

- (1) A written sworn complaint must be filed by a member of Council and presented to the Mayor. If the complaint is made against the Mayor, the complaint shall be submitted to the Mayor Pro Tem. A copy of the complaint shall be presented to the charged member of Council.*
- (2) The complaint shall be brought forward at the next regular Council meeting so that the Council may decide if the complaint should be placed on a future agenda in accordance with Council rules of procedure. The Mayor Pro Tem shall serve as the presiding officer if the Mayor is charged by complaint.*
- (3) With the support of a majority of the members of the Council, the complaint shall be placed on a future agenda and the Council shall hold a public hearing related to the complaint. The individual charged by complaint shall be notified of the date set for public hearing related to the complaint.*
- (4) After closing the public hearing, an affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the council shall be required to find the charged councilperson or Mayor guilty of the allegations as charged in the complaint and to find that the Councilperson or Mayor has forfeited his or her office or is expelled from his or her office in accordance with the terms of this Charter.*
- (5) If the charged Councilperson or Mayor is found not guilty, the presiding officer shall enter judgment accordingly.*
- (6) If a Councilperson or Mayor forfeits his or her office or is expelled from his or her office, the Councilperson or Mayor shall not be eligible for reelection to city council for office for two (2) years after the date of forfeiture or expulsion.*

Ms. Garcia seconded the motion.

There was discussion on whether this section was needed since the City Council can developed their own process. Counter arguments were made that a recent incident made this section necessary. There was also discussion whether additional penalties such as suspension and censure be considered. City Attorney Meredith stated that the City Council can consider adding other options other than expulsion. Lastly, a point was made that the Mayor is a member of the City Council and should not be separated as listed in items 4, 5, and 6. Ms. Dawkins accepted the change and moved to recommend the amended section to be added.

Ms. Garcia seconded, and the Commission voted unanimously to accept the recommendation.

The Commission voted again to recommend this section to be added to the list to be sent to the City Council. 11 voted in favor, 0 against, and 1 member abstained from voting.

Chairman Comparin thanked the members for their time and service. He stated that any member who voted against a recommendation can prepare a written dissenting statement that can be included with his presentation.

Ms. McWhorter stated that she plans to present her dissenting statements in person at the next City Council meeting.

ADJOURNMENT

Ms. Dawkins moved to adjourn the meeting at 5:36pm, Vice Chairman Owens seconded and the motion was approved unanimously by the Commission.

Tony Comparin, Chairman

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