

THE CITY OF EASTLAND  
CITY COMMISSION CALLED MEETING

June 24, 2024

EASTLAND, TEXAS §

EASTLAND, COUNTY §

The City Commission of the City of Eastland, Texas, met in Open Session at Eastland City Hall as scheduled, and notice was posted 72 hours prior to the meeting.

CITY COMMISSIONERS PRESENT:

Chairman	Larry Vernon
Commissioner	Shirley Stuart
Commissioner	Richard Rossander
Commissioner	Carol Jones
Commissioner	James Doyle

PERSONNEL PRESENT:

City Manager	J. J. Oznick
City Secretary	Roma Holley
Code Enforcement	Terry Simmons

Guests: Tom Bailey, Mark Pipkin

I. MEETING CALLED TO ORDER

Chairman Larry Vernon called the meeting to order at 1:03 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner James Doyle offered the invocation and Chairman Larry Vernon led the Pledge of Allegiance and the Texas Pledge

III. PUBLIC COMMENT ON ANY SUBJECT NOT LISTED ON THIS  
AGENDA (Limited to Five Minutes Per Speaker)

There were no comments from the public at this time.

IV. The Board of City Commissioners May Discuss and Take Action on  
the following Agenda Items:

1. Discussion and Consideration of approving Modifications No. 5 & No. 6 of the Contract with the Eastland County Water Supply District.

City Manager J.J. Oznick stated for the past couple of months we've been working with the ECWSD for the past couple of months. The result is a restructuring of the billing cycle to coincide with the Debt Service payments and they will be based on water usage. This will be done monthly as opposed to quarterly as it was previously.

The ECWSD had inadvertently sent Modification No 6 to us, but it is for Ranger, so we won't be discussing it.

Commissioner Shirley Stuart made a motion, seconded by Commissioner Richard Rossander to approve the Modification No 5 Contract with the Eastland County Water Supply District.

Ayes: Commissioners Doyle, Jones, Rossander, Stuart,  
Nays: None  
Absent: None

2. Discussion and Consideration of approving bid for street and utilities construction in the Old Rip Subdivision.

EEDI Executive Director Tom Bailey stated the plat has been approved and at this point, we are ready to begin the extension of sewer, water and pavement in the Old Rip Addition.

Darrell Shortes with Raydon Contracting was contacted to submit a bid for this project. He actually submitted two bids. One bid included the price if they had to cut through rock and the other was without cutting through rock.

Commissioner James Doyle made a motion, seconded by Commissioner Richard Rossander, to approve the bid for Raydon Construction of up to \$321,508.15 to construct street and utilities in the Old Rip Subdivision.

Ayes: Commissioners Doyle, Jones, Rossander, Stuart,  
Nays: None  
Absent: None

V. Workshop addressing Charter Amendments

City Manager J.J. Oznick stated that when Commissioner Cecil Funderburgh passed away last year, we discovered that our City Charter currently prohibits the appointment of a commissioner to fill a vacancy. A “special election” must be held to fill the vacancy.

Finding the need to address this issue, we began to look at other things in the charter that would benefit from an update. The Eastland Charter was first written and adopted in 1919. It can only be amended by election every two years. The last time it was amended was 1997. We asked our City Attorney, Eileen Hayman, to look through our charter and give us suggestions on how to bring our charter to within State guidelines while at the same time not changing the original intent of the charter.

Here are some of her suggestions and the commissioner’s response.

**Article 3 – Taxation, Finances, and Bonds**

Section 2 – Finances, etc.

*In the last paragraph of the “Budget” section, it says that, during the Commission’s discussion of the budget, “at least three hours shall be given to hearing protests and objections if any, oral or written to any item or items in the budget or to Commissions therefrom”. This may be interpreted that the Commission has to have at least a 3 hour public comment session during budget workshops. I would recommend that the last sentence of the “Budget” section be removed.*

Discussion followed and all Commissioners agree to remove the last sentence of the “Budget” section.

**Article 5 – Form of Government, Etc.**

Section 2 – Powers and Responsibilities

*This section calls the Mayor the “Chairman” of the Commission. I would recommend that this section, and possibly others which use the word “Chairman”, be updated to reference the term “Mayor”.*

Discussion followed and all Commissioners agree to change the word “Chairman” to “Mayor”.

Section 8 – Corporation Court, Etc.

*This section requires the City Secretary to be the Clerk of the Municipal Court. I don't think this has been an issue but this could be amended to remove the "Clerk" section entirely so the City Secretary is not required to be involved with the Court.*

Discussion followed and all Commissioners agree that all mentions of City Clerk will be changed to read City Secretary.

**Article 6 – Legislation, Etc.**Section 1 – General Legislation

*I have 2 recommendations for changes to this Section. First, this section requires that ordinances be read twice. It would be more efficient for ordinances to only be read once. To accomplish this, the last sentence of the "Ordinances, Enactment" section and the "Emergency Measure" section can be removed.*

*Additionally, this section says that an ordinance which does not include a penalty and so is not required to be published does not take effect until 30 days after it is approved. I would recommend the "To Take Effect When" section to state that ordinances which are not required to be published take effect immediately upon their adoption by the Commission.*

Discussion followed and it was agreed to keep reading the Ordinances twice. However, the ordinance will be in effect immediately following the second reading. It will then be published in the newspaper. This does not affect an ordinance that includes a penalty.

Section 2 – Direct Legislation

*For both initiative (citizen-initiated ordinance) and referendum (citizen-initiated repeal of ordinance) petitions, this section provides that elections be held within 30 days unless there is a regular election occurring within 60 days of receipt of petitions. This violates the Election Code's uniform election day requirement and also the timing to order elections. I would recommend that both paragraphs of this section be amended to provide for these elections to be held on a uniform election date*

Discussion followed and all Commissioners agree that this section be amended to provide for these elections to be held on a uniform election date

**Article 7 – Elections and Qualifications of Officers**Section 2 – Qualifications of Commissioners

*This section includes qualification requirements that are more stringent than state law. In particular, this section says that, to serve on the Commission, a person "shall not be interested in the profits or the emolument of any contract, job, work or service for the City, or interest in the sale to the City of any supplies, equipment or material". This is more restrictive than the conflict of interest rules in Chapter 171 of the Local Government Code, which provide that a Commissioner would have to file an affidavit and abstain from participation and voting on a matter in which the Commissioner has a financial or ownership interest. This section would be valid under state law but I wanted to point it out in case you wanted to remove these phrases.*

Discussion followed and all Commissioners agree to correspond this section with the state law.

### Section 3 – Terms and Vacancies

*As we all know, this section requires that vacancies be filled by special election and on a date that does not comply with the uniform election day prescribed by the Election Code. This section should be amended to allow for the Commission to fill vacancies by appointment. We may want to consider filling vacancies by election if there are 2 or more vacancies. This is not a requirement but comports with most Charters that I have seen as well as the rules for Type A general law cities.*

Discussion followed and all Commissioners agree that vacancies can be filled by appointment.

### Section 4 – Compensation of Commissioners

*This section says that Commissioners serve without pay. That is fine but I wanted to point it out in case the Commission wanted to change this. Most Charters do provide for a small amount of compensation for Commissioners, usually based on meeting attendance. I can survey some other Charters for the amounts if there is interest in changing this section.*

Discussion followed and all Commissioners agree to receiving no compensation.

### Section 14 – Oaths for Officials

*This section says that Commissioners must take the oath “prescribed by the Constitution of Texas for County Officials”. I think this is probably a typo but it should be updated.*

Discussion followed and all Commissioners agree this is a typo and should be corrected to read City Officials.

### Section 16 – Recall of Officers

*I have 3 comments on this section. First, the threshold for the number of signature required is very low. It only requires signatures in the amount of 33% of the entire votes cast at the last City election. I would recommend this be changed to 33% of the registered voters of the City.*

*Second, this section says that a recall petition “shall contain a general statement of the ground or grounds for which the removal is sought”. It does not require that particular grounds be stated, such as misconduct, malfeasance, etc. This is an issue in Mineral Wells. Their Charter includes this language and people are filing recall petitions that don’t include a real basis for removal. I would recommend that this be amended to include requirements as to what adequate grounds for recall are.*

*Finally, the end of this section says that an election must be held to fill a vacancy caused by a Commissioner being recalled. This is fine but the Commission might want to consider appointing as with other vacancies.*

Discussion followed and all Commissioners agree that in order to recall a commissioner, a petition must contain, at a minimum, the signatures of the number of people who voted in the last city election.

Also, if people file a recall petition they include a real basis for removal. The charter will also include requirements as to what adequate grounds for recall are.

Finally, the commissioners agreed that all vacancies can be filled by appointment.

**Article 8 – Contracts, Etc.**

Section 1 – Personal Service

*This section says that the City cannot enter into a contract for personal service. This would prevent the City from entering into a contract with a person to serve as City Manager. (I do not have a file with your contract so I'm not sure if you have one). I would recommend that this section be removed.*

Discussion followed and all Commissioners agree.

Section 3 – Conflict of Interest

*This section again imposes more stringent requirements than the state conflict of interest rules. This prevents the City from entering into a contract in which any Commissioner, the City Manager, or “any other City officer” is “directly or indirectly interested” in. I would recommend that this section be removed.*

Discussion followed and all Commissioners agree to remove it.

**Article 9 – Miscellaneous Requirements**

Section 13 – Nepotism

*This section prevents the City from hiring someone who is related to a Commissioner, the City Manager, or a Department Head within the fourth degree. This is much more restrictive than state law, which prevents a public official (Commissioner) from voting on the appointment of a member of the public official’s family within the third degree (by blood) or the second degree (by marriage). I would recommend that this section be removed.*

Discussion followed and all Commissioners agree to leave this section but to correspond with state law.

**VI. ADJOURNMENT**

Commissioner James Doyle made a motion, seconded by Commissioner Shirley, to adjourn at 2:25 p.m. Motion passed unanimously.

APPROVED

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Larry Vernon, Chairman  
Board of City Commissioners

ATTEST

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Roma Holley, City Secretary