



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The City Commission for the City of Richmond, Texas met in Special Commission Meeting Session on February 7, 2019 at 6:00 p.m.

Mayor Pro-Tem Barry Beard proceeded to call the meeting to order at 6:00 p.m. A quorum was present, with the following members in attendance:

Evalyn W. Moore, Mayor - Absent
Terry Gaul, Commissioner P1
Barry Beard, Commissioner P2 Acting as Mayor Pro-Tem
Carl Drozd, Commissioner P3
Josh Lockhart, Commissioner P4
Terri Vela, City Manager
Gary Smith, City Attorney
Laura Scarlato, City Secretary

Mayor Pro-Tem Beard introduced agenda item A2, Public Comments.

Mayor Pro-Tem made note that Tres Davis (no address provided) signed up to speak but was not present. Therefore he was not called upon to speak.

Michael Hershberger * 22414 Newcastle Waters Court * Richmond, Texas

Mr. Hershberger addressed the Commission regarding the gate that is located in the Williams Ranch and Veranda subdivisions. Mr. Hershberger is a resident of Williams Ranch Subdivision. The concerns are for the safety of his son, contractors parking in front of the gate, the Knox box is not connected to anything and the only key is held by the Richmond Fire Department. The traffic study that was done was skewed due to the lack of notification therefore it is not an accurate depiction. Based on the phone application it takes 15 minutes longer to reach the hospital without gate access.

Mayor Pro-Tem Beard introduced agenda item A3, Review and consider taking action on Resolution No. 261-2019, creating Ethics and Compliance Board.

Mayor Pro-Tem Beard cited the Rules of Commission Section H. **Appointments to Boards, Commissions and Committees Created by Statute, Charter or Ordinance –** The following provisions govern the procedures for making appointments to boards, commissions and committees created by statute, charter or ordinance:

2. Appointments to Boards, Commissions and Committees by the Mayor –

Consistent with the City Charter, the Mayor shall nominate individuals for appointments to all Boards, Commissions and Committees unless the City Charter expressly provides otherwise. Nominations for such appointments shall be individually confirmed by a simple majority vote of the City Commission.

The appointments to the Board of Ethics and Compliance are being proposed as a group stated Mayor Pro-Tem Beard. A motion to approve proposed Resolution No. 261-2019, will suspend the Rule of the Commission. When asked, City Attorney Gary Smith agreed that we would comport to these rules. Mayor Pro-Tem Beard proceeded to read the Resolution No. 261-2019 in its entirety making the following nominations:

Place 1	Dana Atkinson	01.22.19 – 01.31.22
Place 2	Oralia Lopez	01.22.19 – 01.31.21
Place 3	Jimmy Robertson	01.22.19 – 01.31.20
Place 4	Gene Tomas	01.22.19 – 01.31.22
Place 5	Sylvia Smith	01.22.19 – 01.31.21
Alternate	Nina Schaefer	01.22.19 – 01.31.20

City Manager Terri Vela stated the reason for the creation for the Board of Ethics and Compliance were the allegations filed against Mayor Moore. Also, the pending complaint is the reason for the appointments falling to the Mayor Pro-Tem. Commissioner Lockhart inquired which candidate was located in the ETJ which was replied, Gene Tomas. Commissioner Lockhart made the motion to approve Resolution No. 261-2019 with the appointments as stated with the notation of the member residing in the ETJ. Commissioner Gaul seconded the motion and the vote was 4 “ayes” to approve the Board of Ethics and Compliance Places 1-5 plus the alternate and the terms as stated.

Agenda item A4, the Commission did **not** adjourn to Executive Session to discuss Personnel Matters, Texas Government Code, Section 551.074.

Mayor Pro-Tem Beard made the following statements and then proceeded to read the Letter of Censure against Mayor Moore issued by the City Commission. **Attached as (Exhibit A).**

Mayor Pro-Tem Beard stated the Commission had assistance from Legal Counsel in drafting the letter and made the following remarks. He would much rather be talking about governing the City. We all recognize that we are all made of clay and that we make mistakes. The City became a Home Rule City and the City Charter was adopted. We recognize that we are all held accountable by the Charter. It was not our intent to be harsh

but it was our intent to convey the findings as directly as we know how. Some will say that it was too little and some will say that it was too much but none the less, it was painful on many levels and we did it the best we know how. One thing we can take away is that no member has the authority to govern individually but as a cohesive body we can accomplish incredible things for the citizens of Richmond. The letter is dated February 4, 2019 to Mayor Moore and Mayor Pro-Tem Beard proceeded to read it.

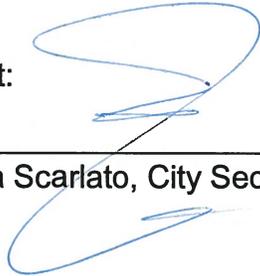
With no further business to discuss, the Mayor Moore adjourned the meeting at 6:19 p.m.

APPROVED:



Barry C. Beard, Mayor Pro-Tem

Attest:



Laura Scarlato, City Secretary

EXHIBIT A

EVALYN W. MOORE
MAYOR
BARRY C. BEARD
CARL DROZD
TERRY R. GAUL
JOSH LOCKHART
COMMISSIONERS

City of Richmond

402 Morton Street
Richmond, TX 77469
(281) 342-5456



February 4, 2019

Evalyn W. Moore, Mayor
402 Morton Street
Richmond, Texas 77469

Re: Letter of Censure

Dear Mayor Moore:

On January 11, 2019, Commissioner Josh Lockhart filed a letter of complaint alleging violations of the following Sections of the Richmond City Charter:

- 3.04, Mayor and Mayor Pro Tem, subsections (1), (2), and (3);
- 3.07, Prohibitions, subsections (2) and (3);
- 3.09, Quorum;
- 3.10, Conflict of Interest, and;
- 4.07, Freedom from Interference.

On January 22, 2019, during the regular City Commission meeting, the City Commission considered the allegations in Commissioner Lockhart's letter, giving Commissioner Lockhart and you the opportunity to present evidence and arguments for and against the allegations.

After review of the relevant information and discussion, the City Commission adopted, by unanimous vote, a motion to censure you for your conduct in violation of the Richmond City Charter. Censure is the City Commission's formal statement of disapproval of your actions.

Section 3.04(1) of the Richmond City Charter states that the Mayor has "no regular administrative duties." The City Commission finds, by your own admission, that you approached Finance Director Susan Lang on December 10, 2018, and stated that she should retire by the end of December (2018) and that such action violated Section 3.04(1)

Section 3.07(2) of the Richmond City Charter states, "Members of the City Commission shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint." The City Commission finds, by your own admission, that you

approached Finance Director Susan Lang on December 10, 2018, and stated that she should retire by the end of December (2018) and that such action violated Section 3.07(2)

Section 3.07(3) of the Richmond City Charter states, “the City Commission shall deal with City officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager. The City Commission shall not give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.” The City Commission finds, by your own admission, that you approached Finance Director Susan Lang on December 10, 2018, and stated that she should retire by the end of December (2018) and that such action violated Section 3.07(3) by.

Section 4.07 of the Richmond City Charter states, “It shall be unlawful for the City Commission or any of its members to dictate to the City Manager the appointment of any person to office or employment or interfere in any manner with the City Manager in the performance of the duties of that office as stated in [Section 3.07](#) of this Charter.” The City Commission finds, by your own admission, that you approached Finance Director Susan Lang on December 10, 2018, and stated that she should retire by the end of December (2018) and that such action violated Section 4.07.

The City Commission also finds that you conveyed information expressed during the closed session held on December 17, 2018, to persons not entitled to participate in the closed session. This finding is also based on your own admission and that action was contrary to the City’s better interest and reflects poor judgment.

Based on these findings, the City Commission issues this **Letter of Censure** sternly rebuking your serious violations of the City Charter. This official misconduct undermines public confidence in the governance of the City of Richmond.

The City Commission will not tolerate any further misconduct on your part that repeats such interference with the City Manager’s performance of duties.

The City Commission informs you that further official misconduct in violation of Section 3.07(3) of the Richmond City Charter will result in the scheduling of a public hearing and consideration of expulsion from office.

A copy of this letter will be placed in your file in the City Secretary’s Office.

Sincerely,



Barry Beard
Mayor Pro Tem

cc: City Commissioners
Laura Scarlato, City Secretary