



**City Council Meeting
Minutes
Regular Session
October 28, 2010 – 6:30 p.m.**

Rhome City Hall
105 W. First Street
Rhome, TX

**Council Present: Mayor Evelyn L. Obenour; Mayor Pro Tem Chris Moore;
Council Members: David E. Wilson, Jo Ann Wilson, Charles Pennington and
Gerry McBride.**

**Staff Present: Walt Leonard, City Attorney; Ramah Burns, City Secretary;
Robert Pratt, Fire Chief, James Rose, Police Chief.**

Mayor Obenour said this is a session to find out just what is going on and what has transpired that the council should have been informed of and what their options are.

Motion was made by David Wilson to open up the meeting for public comments. Jo Ann Wilson seconded the motion.

Motion carried unanimously

David Wilson said he would like to make a statement. He said he doesn't know how the rest of the council feels about the suspension that was issued. He said a suspension at that particular time was unwarranted. He said it was an added expense to the city at this time. He thinks it was a knee jerk reaction. He said he thinks we could have avoided a lot of bad publicity and hard feelings. If it had of gone through the proper channels and was brought to the council to make a decision to do that or not. He said they have egg on their face that they didn't deserve.

Gerry McBride said he would like to rebuttal Mr. Wilson statement. The employee manual outlines it clearly. He said somewhere down the line the manual was supposed to be worked and it hasn't been. It says an employee shall not engage, etc. He said he has read this and the state law for the duties and responsibility of the Mayor.

Mayor Obenour said she would read to them her duties. The Mayor shall give to the governing body any information and to recommend to the governing body any measure that relates to improving finances, police, heath, security, cleanliness, comfort, ornament or good government of the municipality. She said she did that because she felt that there was a complete breakdown of communication. She said she feels it was warranted.

David Wilson said he wanted to rebut. He said the section that Gerry McBride is reading does say that in the beginning. An employee shall not engage in outside employment or accept employment if such employment would constitute conflict of interest or would adversely affect the employees performance in city services. All outside employment must be reported to and approved by the Department Head in writing. He said it does not say who the Department Heads answer to.

Gerry McBride said State Law said who that is. State Law says that the CEO, person in charge of the city is the Mayor. He said he doesn't know if anybody here has a qualm other than you and maybe your friend here (Charles Pennington). He said since May, and somewhere in May we didn't win the election, so after May we decide we are going try to delay, or take over or have another agenda against this.

David Wilson said he has no agenda.

Gerry McBride said it doesn't look that way to him.

David Wilson asked what he calls an agenda.

Gerry McBride said what we constantly go through here.

David Wilson said what they go through is to constantly educate a person in the proper procedures. There are two (2) of them that have never been on a council or had any dealing with the city. He didn't say it say it was not proper to do it. He said it was a miss judgment. The thing could have been handled in a slower fashion that wouldn't not of cost the city money, it would not have cost the city the bad publicity that we got, the hard feelings with people out in the public. He said what happened is the Chief made a very very bad judgment call by not doing his proper poetical the way it should have been done. He said he is going to answer to that. He said that is the issue he is going to have to answer to that. This is totally different from what the chief did. He said what he is saying is that they could have handed it as a council the way the whole thing is set up to do properly, expeditiously without bad publicity from the press and bad feelings with the city. He said that is all he is saying. Now whether he did his job the way it was done or not that is another issue. He said they would get to that in Executive Session most likely.

Mayor Obenour said David she didn't believe there was any bad publicity. She said she believes what she said to the Wise County Messenger was in very Good taste. She does not believe it was bad publicity. She said she believes that is a belittlement.

David Wilson said she can take it anyway she wants to. He said he was saying what when into the Wise County Messenger when the public read it and a lot of aspects they read it as bad publicity for the city. He said he has had people come to him and say that. What's going on?

Gerry McBride said they are getting to much bad publicity David. He said they have been getting a lot of bad publicity.

David Wilson said for them to go out and through something out to the public that could possibility be bringing them more bad publicity he didn't see that it was necessary.

Diane Fletcher, Crown Point, said she has worked for the city council in the City of Arlington for 20 years. It has always been where the Police Chief answers to the City Manager. In the absence of not having a City Manager the Chief would answer to the Mayor. She said David was asking who he would answer to.

1. Recessed to Executive Session at 6:42 pm in Compliance with Chapter 551 of the Texas Government Code (Open Meeting Act) Vernon's Texas Code Annotated, as follows:
 - A. Section 551.071 – Status of Police Department and Potential Litigation
 - B. Section 551.074 - Personnel – Police Chief
 - C. Section 551.071 – Fire Department By laws and Operations
 - D. Section 551.074 – Personnel – Fire Chief
2. Action was taken in Open Session at 9:15 p.m. on the following items.
 - E. 1-B Section 551-074 – Personnel - Police Chief

Motion was made by Jo Ann Wilson for the city pass a Resolution that any peace officer within the city cannot hold two commissions. Charles Pennington seconded the motion.

Walt Leonard, City Attorney said this would be where they couldn't hold a commission in another city but can work off duty jobs.

Motion carried unanimously

D. 1-D – Section 551-074 – Personnel - Fire Chief

Mayor Obenour said first of all she wants to let Robert Pratt our Fire Chief know that the City Council and herself they have the highest respect for him and his service to the City of Rhome. She said she was not just saying this on her part but each one of them in the Executive Session meeting all expressed between them that they do have the highest regard for him. They respect him. He has done a fantastic job. He does records that none of them have any concept whatsoever. No one knows the many hours that he has put in to keep the fire department functioning, the reports that goes to the state, which goes to Wise County that help to keep our fire protection the way it is. They just have a strange way of showing their appreciation. They really want him to know that they do respect you very much. They appreciate all of the extra effort that he puts forth. There isn't anyway that they could possibly compensate him for the time and the effort that he has put in. They say it with sincerity. There has been a lot said about that they have knit picked. You might call it knit picking when they tell you that they don't want you to drive the fire truck to go to lunch. She is sure there is a way that it will be worked out. But in the mean time they are going to have to work together as a community and work it out. On the inventory all of the departments had to work very hard to do an inventory of everything. It wasn't that they singled out the Fire Department. As far as money wise concerns all of us have had to tighten our belts and all of us have to keep an accounting of what we spend. We have to make sure our city dollar goes as far as it can go. We have to do what we can to keep the cost down in order to help our city. They don't feel like they are asking out of turn. They have a few requests. They will support him in everything that they possibly can and every way that they can. What she has said from the very beginning when she took over being Mayor, she said she wants to see unity in this city. If we keep knit picking at each others departments it's never ever going happen. This is the nucleus right here in this city. Just like with the Senior Center if there hadn't of been their working together the way they did it wouldn't of every happened. We really need to work together and that's what they are striving to do. With that said Robert we want you to stay on. She wants him to communicate with her as Mayor. She said there will be staff meeting every week and they will discuss any problems that we have. She said they are going to have to set aside that time.

Robert Pratt said he missed the last one because he took his father to the doctor.

Mayor Obenour said there are things the council wants to change in their By-laws. Chris Moore knows what it is and she doesn't believe they will be in disagreement with it. She thinks from this day forward she thinks things will go a lot better because they had a great discussion. She said they worked through details.

Chris Moore said as far as the By Laws he has the changes. The changes were actually in the old By Laws. It was something that was taken out and actually reworded. He will present them for them because it is their By-laws not the city's By Laws. He will present them or let the Chief present them at their next meeting and they will come back and say yes we'll put it back in there. If they decide not to then they are going to have to have a discussion. He doesn't think it is a bad thing. He said there are two (2) changes and the other they will go over.

Gerry McBride said he is a firm believe in open honest communication back and forth. If something has come across that someone doesn't like then they need to come back. He said please don't be afraid to come back and ask a question. He said you are going to have to work with somebody all your life. He wants everyone to know how much they are appreciated. He said you can't go far enough to let people know that you are appreciated. He said he looks forward to working with everybody and he knows the council does, too. Thank you for your effort for the ones here and the ones that are not.

Jo Ann Wilson said this has gone a long way to establish mutual respect. She said they respect you guys and they know you do a good job.

Mayor Obenour said she dreaded this night. She said a lot of people were praying . She said they got through it and the outcome is plus for the City of Rhome.

Motion was made by Chris Moore to adjourn at 9:30 p.m. Charles Pennington seconded the motion.

Motion carried unanimously

CERTIFICATION:

Passed and approved on this 11th day of November, 2010.

Evelyn L. Obenour
Mayor

Ramah Burns
City Secretary