

**AGENDA**  
**NOTICE OF REGULAR CITY COUNCIL MEETING**  
**CITY OF KEMPNER, TEXAS**

**July 14, 2020**

**7:00 PM**

**12288 E. Hwy 190 Kempner, Texas 76539**

NOTICE IS HEREBY GIVEN that the City Council of the City of Kempner, Texas will hold a regularly scheduled meeting at the above named date, time and location for the consideration and action on all the items listed below:

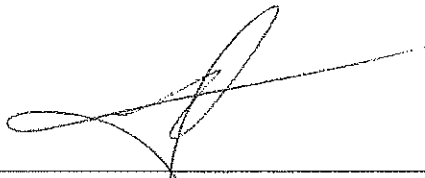
1. CALL TO ORDER, CALL OF ROLL/IDENTIFICATION OF A QUORUM
2. Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

**NON-ACTION ITEMS**

4. Citizens Comments – Must sign in and note whether Agenda or Non-Agenda items
5. Reports
  - City- Mayor
  - Chief of Police (June)

**ACTION ITEMS**

6. Consent Items:  
All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered separately
  - a. Consider approval of the minutes from Council meeting held June 30, 2020.
  - b. Consider approval of the Accounts Payable for payment dated July 1, 2020.
  - c. Consider approval of Ordinance 2020-07-14-01, an Ordinance of the City of Kempner, Texas Establishing Minimum Municipal Court Fines.
  - d. Consider adoption of Ordinance 2020-07-14-02 establishing monthly and annual time limits on the time spent by City Personnel on responding to a requestor seeking public information.
7. Consider approval of the City Financial Professional, Mrs. Alice Deocoriza as the city of Kempner Financial Professional.
8. Staff Comments / Final comments by Mayor
9. Date of next meeting: Budget workshop July 21, 2020, 6-7pm. Regular meeting July 28, 2020.
10. Adjournment.



Dr. Keith L. Harvey, Mayor

I, Keith Harvey, Mayor of the City of Kempner do hereby certify that the above notice of the REGULAR Meeting of the City of Kempner City Council was posted at City Hall, 12288 East Highway 190, Kempner, Texas on the 10<sup>th</sup> day of July 2020 before 3:30 p.m.

The City council may convene into executive session on any matter related to any of the above agenda items for a purpose, such closed session is allowed under Chapter 551, Texas Government Code.

This building is wheelchair accessible. Any requests for Interpretive Services must be made 48 hours in advance of the scheduled meeting.

\* The Citizen Comments: This portion of the agenda is reserved to provide citizens an opportunity to address the City Council on issues affecting the City. Citizens must sign in with City Secretary prior to meeting. Each citizen's comments are limited to a total of three (3) minutes; a total of 30 minutes has been allotted. You may speak on Agenda and Non-Agenda Items. Non-Agenda Items portion of the agenda is the citizen's opportunity to be heard at the City Council meeting and will be reserved for comments concerning city related issues not otherwise appearing on the meeting agenda.



## CITY OF KEMPNER

12288 US HWY 190  
P.O. BOX 660  
KEMPNER, TEXAS 76539  
[www.cityofkempner.org](http://www.cityofkempner.org)

Dr. Keith L. Harvey, Mayor  
[mayorharvey@embarqmail.com](mailto:mayorharvey@embarqmail.com)

TEL: 512-932-2180  
FAX: 512-932-3124

July 10, 2020

### City Council Meeting:

The July 14, 2020, 7pm City Council Meeting will proceed as follows: All council members will arrive at least 10 minutes prior to the scheduled posted meeting. The meeting will continue the social distancing until further notice. All council members will have their temperatures taken and must wear a mask.

Citizens communication on agenda/non agenda are suggested to be emailed to the city secretary prior to the council meeting before the close of business of City Hall on July 14, 2020, to ensure their communication is read and recorded.

The Dial -in number: 978-990-5000

Access Code: 682735

Please dial in beginning at 6:50pm. This will cut down on potential interruptions, being most calls are executed on the hour. Thank you for being diligent, steadfast and vigilant during this trying time. Together we will get through this.

v/r

Dr. Keith L. Harvey  
Mayor, City of Kempner

STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

BE IT REMEMBERED that on June 30, 2020, the City Council met in City Hall with the following members present: Council Members: Betty Parker, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 6:00 P.M. and the following business was conducted:

1. Roll Call- Place I Mr. Gipson, Place III Mr. Wilkerson, Absent.
2. Council Member Mr. Ruskiewicz Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### **Non-Action Items**

4. Citizens Comment- Must sign in and note whether Agenda or Non- Agenda items
5. Reports- Mayor
6. Workshop- Chief House presented the need for an engine and City to purchase.

### **ACTION ITEMS**

7. Consider approval of the minutes from the City Council meeting held on June 23, 2020.
  - Mrs. Vandever moves to make a motion to approve the June 23, 2020 minutes.
  - Mrs. Parker seconds the motion.
  - All in favor, motion carries.
8. Consider the approval of a City financial professional for the City of Kempner.
  - Tracie Taubert comes to the podium and speaks. She is located in Leander, has been a bookkeeper for 18 years, and is a Quickbooks pro advisor.
  - Mrs. Parker asks how up to date are you on state regulations as far as what city's are involved with the state?
  - Mrs. Taubert answers with this will be the first city position she would be taking on but she is up to date on all her training.
  - Mr. Ruskiewicz starts off by saying I want to thank you for coming out here and speaking with us we appreciate it and look forward to hearing from you. My understanding is that there are three types of Quickbooks. Desktop pro is what we have an I also understand that there are subscriptions online and that the online version has greatly improved?

- Mrs. Taubert answers with a few years ago I did not put many people on Quickbooks online. Now they want people to move in that direction and they have greatly improved the online versions and very few are still using the desktop version. Also on the accountant side, it keeps an auto log of who what goes on and who logs in and when I can print that off whenever.
- Mr. Ruszkiewicz asks so your recommendation to us would be the online version? Also, can you work with our desktop pro version?
- Mrs. Taubert answers the online version does require a subscription fee so the desktop version would be more cost-effective and I will work with the desktop version. I also do QuickBooks training.
- Mrs. Parker asks do you feel like you have time to take on this city from us changing from one company to another?
- Mrs. Taubert answers with yes, absolutely.
- Mrs. Vandever asks if she is local?
- Mrs. Taubert stated im located in Leander.
- Mayor says if no one has any more questions for Mrs. Taubert then we will move on.
- Mrs. Beatrice or Alice Deocariza starts by saying she was born and raised in the Philippines then married a veteran and joined him in 2018. She has been a public accountant sine 1982 in the Philippines and an accountant here since 2019.
- Mr. Ruszkiewicz says Thank you for being here tonight I'm going to go ahead and start off by asking if you can work with Quickbooks? The city has QuickBooks desktop pro wold you be able to work with it?
- Mrs. Deocariza says she does not fully know the QuickBooks system.
- Mrs. Parker asks if she is working with any companies right now?
- Mrs. Deocariza answers with no ma'am I am not.
- Mayor asks if there are any more questions for Mrs. Deocariza? If not we will move on.
- Mayor stated now that you have asked your questions and looked at the candidate's profiles is the council ready to make a decision regarding item 8 is there a motion?
- Mr. Ruszkiewicz clarifies before he makes a motion that whoever we choose is on a 30-day contract so if there are any issues then we are not fully committed. Mr. Ruszkiewicz also would like to move to make a motion to approve Mrs. Tracie Taubert as our new CPA.
- Mrs. Parker seconds that motion.
- All in favor, motion carries.

#### 9. Staff Comments --

- Mayor comments after looking at all the resumes and candidates this was not a light or easy task. This city needed a CPA that was all about business. They have to be about the business of the city. I will have a letter drawn up regarding the previous company and

naming Mrs. Taubert and to encourage them to work with her during this transaction. If that does not happen I will keep the council informed. Also, the email sent regarding Lampasas bookkeeping just look at the title, it speaks volumes.

10. The date of the next regular meeting will be held on July 14, 2020.

11. Adjournment- Mrs. Vandever moves to make a motion to adjourn, Mrs. Parker seconds the motion. All in favor, Were adjourned.

ATTEST: \_\_\_\_\_

Hayleigh Robello –City Secretary

APPROVED: \_\_\_\_\_

Dr. Keith L. Harvey- Mayor



ATTEST: \_\_\_\_\_

Hayleigh Robello –City Secretary

APPROVED: \_\_\_\_\_

Dr. Keith L. Harvey- Mayor



**ORDINANCE NO. 2020-07-14-01**  
(Revision of 2010-01-26-02)

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING MINIMUM MUNICIPAL COURT FINES FOR PERSONS WHO ELECT TO PAY SUCH FINES BY MAIL, IN PERSON AT THE COURT CLERK'S OFFICE, OR AT A TIME OTHER THAN A SCHEDULED COURT DATE WITH THE JUDGE; AND PROVIDING SEVERABILITY, OPEN MEETINGS, PENALTY AND EFFECTIVE DATE CLAUSES.**

**Whereas**, the City of Kempner, Texas (the "City") is authorized to adopt ordinances that are for the good government, peace, and order of the municipality and that are necessary and proper; and

**Whereas**, the City has established the Kempner Municipal Court, which has the power to set and impose fines not in excess of those amounts set by state law; and

**Whereas**, some Municipal Court defendants elect to plead "guilty" or "nolo contendere" and pay municipal court fines by mail, in person at the court clerk's office, or at times other than the defendant's scheduled court date when the judge is not present; and

**Whereas**, it is necessary and proper for the efficient operation of the municipal court for the City to establish minimum fines for those persons who elect to plead "guilty" or "nolo contendere" and pay a municipal court fine without meeting with the judge; and

**Whereas**, the City does not intend to limit the discretion of the municipal court judge to set fines for those defendant who appear in front of the judge for sentencing;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS THAT;**

**Section 1. Findings:** The foregoing recitals are hereby found to be true and correct and are incorporated into this ordinance as findings of fact by the City Council of Kempner, Texas

**Section 2. Applicability:** The minimum fines established herein (hereinafter referred to as "Window Fine") apply to persons who elect to enter a plea of "guilty" or "nolo contendere" and pay the fine for an offense over which the Kempner Municipal Court has jurisdiction by mail, in person at the court clerk's office, or at a time other than the person's scheduled court date and without meeting with the judge. This ordinance is not meant to limit the discretion of the municipal court judge to set fines for persons who appear before the judge for sentencing.

**Section 3. Minimum Window Fine Established:**

- (a) The schedule of minimum fines set forth in Exhibit "A" is hereby adopted and set as minimum Window Fines for the Kempner Municipal Court.
- (b) All other violations not specifically identified and set in Exhibit "A" are hereby set according to the following schedule:

Violations with a Fine Range of:

The Minimum Window Fine shall be:

\$1.00 - \$200.00

\$100.00

\$1.00 - \$500.00

\$325.00

\$1.00 - \$2,000.00

\$770.00

(c) The minimum Window Fines established by this ordinance do not include court costs.

**Section 4. Severability:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**Section 5. Effective Date:** This ordinance shall take effect immediately from and after its passage and publication in the manner set forth within the provisions of the Local Gov't Code.

**Section 6. Open Meetings:** That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Attest:**

**City of Kempner, Texas**

\_\_\_\_\_  
Hayleigh Robello, City Secretary

\_\_\_\_\_  
Dr. Keith Harvey, Mayor

**EXHIBIT "A"**  
**SCHEDULE OF MINIMUM WINDOW FINES**

<b><u>VIOLATION:</u></b>	<b><u>MINIMUM WINDOW FINE:</u></b>
1. Speeding - 0 to 19 MPH over legal limit	\$ 7.00 per mile + court costs
20 MPH and over legal limit	\$200.00+ court costs
2. Failure to Control Speed	\$200.00 + court costs
3. Unsafe Speed	\$200.00 + court costs
4. Wrong Side of Road	\$200.00 + court costs
5. Running Stop Sign or Signal Light	\$200.00 + court costs
6. Illegal, Unsafe or Improper Turn	\$200.00 + court costs
7. Failure to Drive Single Lane	\$200.00 + court costs
8. Failure to Yield Right of Way	\$200.00 + court costs
9. Overtaking and Passing a School Bus	Contact Court for fine amount
10. Passing in a No Passing Zone	\$200.00 + court costs
11. No Seat Belt	\$ 45.00 + court costs
12. No Seat Belt PASSENGER over 15 years of age	\$ 45.00 + court costs
13. No Seat Belt PASSENGER under 15 years of age	\$100.00 + court costs
14. Defective Lights	\$ 200.00 + court costs
15. Fail to Signal	\$ 50.00 + court costs
16. Permitting Unlicensed or Minor to Drive	\$100.00 + court costs
17. Failure to Show Financial Responsibility – First Offence	\$300.00 + court costs
18. Failure to Show Financial Responsibility – Other	\$750.00 + court costs
19. Commercial Drivers License Violations	MUST CONTACT JUDGE
20. Illegal Parking	MUST CONTACT JUDGE
21. Expired or No Vehicle Registration	\$100.00 + court costs
22. Expire or No Inspection Sticker	\$100.00 + court costs
23. No Drivers License	\$100.00 + court costs
24. Work zone Violations with Workers Present	*FINE AMOUNT DOUBLES
25. Use of Equipment not Approved (Window Tint)	\$150.00 + court costs

**ORDINANCE NO. 2020-07-14-02**

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING A CHARGE AND REQUIRING PRIOR PAYMENT BEFORE THE CITY RESPONDS TO CERTAIN REQUESTS FOR THE PRODUCTION OF PUBLIC INFORMATION OR FOR COPIES OF PUBLIC INFORMATION IN ACCORDANCE WITH AND PURSUANT TO CHAPTER 552.275 OF THE TEXAS GOVERNMENT CODE; ESTABLISHING REASONABLE MONTHLY AND ANNUAL TIME LIMITS ON THE TIME SPENT BY CITY PERSONNEL ON RESPONDING TO A REQUESTOR OF PUBLIC INFORMATION; ESTABLISHING COSTS TO BE PAID BY THE PUBLIC FOR REQUESTS THAT EXCEED THE REASONABLE TIME LIMIT; PROVIDING AN EFFECTIVE DATE, OPEN MEETINGS AND RELATED MATTERS.**

**WHEREAS**, Section 552.275 of the Texas Government Code authorizes the City Council to establish reasonable limits on the financial burden placed upon it in responding to requests for public information;

**WHEREAS**, the City spends considerable resources in responding to requests for public information;

**WHEREAS**, the City Council supports and upholds the ideals of the Texas Public Information Act (the "Act"), namely that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of the City and the official acts of its public officials and employees;

**WHEREAS**, the Act establishes no limit on the number of requests a particular requestor may make during any prescribed period of time;

**WHEREAS**, many types of requests require a substantial amount of employee or personnel time with which to comply;

**WHEREAS**, the Act provides that a governmental body may establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering fully its costs attributable to that personnel time;

**WHEREAS**, the City Council deems it advisable to establish a reasonable number of hours per fiscal year that personnel of the City will be required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time; and

**WHEREAS**, once such reasonable amount of time is exceeded, the City Council believes that personnel costs should be recoverable to the extent authorized by Texas Government Code Section 552.275.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Time Limits Established.** Pursuant to Texas Government Code section 552.275, thirty-six (36) hours, per fiscal year, per requestor, and fifteen (15) hours, per month, per requestor, are reasonable limits set on the amount of time City personnel are required to spend producing public information for inspection or duplication by a requestor or providing copies of public information to a requestor. Each time the City complies with a request for public information, the City shall:

- 1) Provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requester during the applicable monthly or yearly period. The amount of time spent preparing the written statement described herein may not be included in the amount of time included in the statement provided to the requestor under this subsection.
- 2) At such time that, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requester equals or exceeds the limit established herein, the City shall provide the requester with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requester on or before the 10th day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be as established by rules prescribed by the Texas Attorney General under Sections 552.262(a) and (b).
- 3) If it is determined that additional time is required to prepare the written estimate under Subsection (e) of Texas Government Code § 552.275, the City shall provide the requester with a written statement of that determination and the City shall provide the written statement under that subsection as soon as practicable, but on or before the 10th day after the date the City provided the statement under this subsection.
- 4) If the City provides a requester with the written statement under Subsection (e) of Texas Government Code § 552.275 and the time limits prescribed by Subsection (a) of Texas Government Code § 552.275 regarding the requestor have been exceeded, the City is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requester's request unless on or before the 10th day after the date the City provided the written statement under that subsection, the requester pays the lesser of, or submits a statement in writing to the City in which the requester commits to pay the lesser of:

- a. the actual costs incurred in complying with the requester's request, including the cost of materials and personnel time and overhead; or
  - b. the amount stated in the written statement provided under Subsection (e) of Texas Government Code §552.275.
- 5) If the requester fails or refuses to pay or submit the written statement under Subsection (g) of Texas Government Code §552.275, the requester is considered to have withdrawn the requestor's pending request for public information.
- 6) Pursuant to §552.275 of the Texas Government Code, the limitations adopted herein by the City pursuant to Texas Government Code §552.275 do not apply if the requestor is a representative of:
  - a. a radio or television station that holds a license issued by the Federal Communications Commission;
  - b. a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
  - c. a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating new or information to the general public; or
  - d. a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.
  - e. if the requestor is an elected official of the United States, this state, or a political subdivision of this state;
  - f. if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

**Section 3. Severability.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

**Section 4. Effective Date.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**Section 5. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Tx. Gov't. Code.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF KEMPNER, TEXAS**

\_\_\_\_\_  
Mayor, Dr. Keith L. Harvey

ATTEST:

\_\_\_\_\_  
Hayleigh Robello, City Secretary

# The Knight Law Firm, LLP

## Attorneys at Law

**Attention:**

City of Kempner  
 Keith Harvey, Mayor  
 P.O. Box 6608  
 Kempner, TX 76539-0660

Invoice #: 2243  
 Invoice Date: 6/3/2020  
 Matter: General  
 Billing Period: April 1st - 30th, 2020

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Amount</u>
4/1/2020	Call from Mayor Harvey re: executive session matter, completion of city audit and related delays in the process	1.5	225.00
4/2/2020	Emails from Mayor Harvey re: record retention related matters, review and search records specialist contact information for Mayor; review audit related information, detailed email to Mayor Harvey	2.7	405.00
4/2/2020	Draft 2019 Audit Letter.	0.3	21.00
4/7/2020	Review emails from Mayor Harvey, review home base business matters and related sales and use tax matters, review correspondence from county appraisal's office, review social media use by city officials, call to Mayor Harvey re: disaster declaration related information, record retention matters, sales tax matters and related pending matters	1.3	195.00
4/8/2020	Review sales and use tax related matters related to home base businesses and internet sales, review email from Mayor Harvey re: open meetings related matters, executive session and procedural matters, review Texas Attorney General Opinions and Texas Government Code and related research, email to Mayor Harvey	1.7	255.00
4/13/2020	Review emails from Mayor Harvey, conduct requested research related to unauthorized taking of city/memorial park property, review penal code and city ordinances, calls to Mayor Harvey, review demand letter from Attorney McCabe	3.1	465.00
4/14/2020	Review emails from Mayor Harvey related to council member actions related to parks ordinance, request for action to be taken and memorandum drafted related to policy and ordinance infractions	1.1	165.00
4/15/2020	Call and emails from Mayor Harvey re: pending matters related to park ordinance violation	2.5	375.00
4/16/2020	Review emails from Mayor Harvey re: pending matters related to removal of property from city park, review and request re: ethics review, call to Mayor Harvey re: council processes and procedures related to Mayor pro tem designation, ethics matters	1.5	225.00
4/16/2020	Email from Mayor regarding GA14; respond	0.6	90.00
4/17/2020	Call from Mayor Harvey re: Chief of police matter and TMPA attorney representation and correspondence, review memorandums of record provided by Mayor Harvey, review and research related to Mayor pro tem title designation, review case law, notes of decisions, Local Government Code Chapter 22, review Texas Attorney General Opinions, email to Mayor Harvey re: mayor pro tem designation and related matters	3.2	480.00
4/20/2020	Review personnel matters and termination of police officers, emails and call from Attorney Rojas re: termination matters, agenda posting and notice of hearing demand, calls to Mayor Harvey re: status of personnel matters, history and recent employment actions taken by the Mayor, respond to directive to defend the City and handle personnel matter, request for personnel policy and information related to personnel matters, review special called meeting agenda	2.2	330.00
4/20/2020	Review personnel records and letters	0.4	60.00



# The Knight Law Firm, LLP

## Attorneys at Law

Attention:

City of Kempner  
 Keith Harvey, Mayor  
 P.O. Box 6608  
 Kempner, TX 76539-0660

Invoice #: 2243  
 Invoice Date: 6/3/2020  
 Matter: General  
 Billing Period: April 1st - 30th, 2020

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Amount</u>
4/20/2020	Conference with attorneys regarding personnel issues; document review of personnel policies and relevant documents; document review of correspondence.	2.2	330.00
4/21/2020	Review multiple emails from Mayor Harvey re: personnel matters, policies and related updates	0.8	120.00
4/21/2020	Correspondence review and document review from Mayor Harvey regarding personnel issues.	2.3	345.00
4/22/2020	Review emails from Mayor Harvey and email to Mayor Harvey, review emails from Attorney Rojas re: notices, appeal rights and related matters, review email related to open record requests for TCOLE and personnel files, confer re: updates to personnel matters, open record requests for personnel files and TMPA attorney correspondences related to employment separations, process and procedures related to the separation from employment of police department personnel, email to Monica Pena, Mayor Harvey and City Council re: agenda posting related matters; review case law, 2016 Supreme Court ruling Colorado County vs. Staff	2.5	375.00
4/22/2020	Correspondence review from mayor regarding personnel issues; review of relevant documents.	2.4	360.00
4/23/2020	Review emails from Mayor Harvey regarding appointment of interim chief, review matters related to council meeting and review emails from Attorney Rojas re: appeal of termination, notice and related matters, email to Mayor Harvey re: termination notices and related matters concerning appeal to Council; review City's personnel policy and local government Code Chapter 22	1.5	225.00
4/24/2020	Review multiple documents and requested information sent by Mayor Harvey related to employment and personnel matters, review correspondence from TMPA Attorney Rojas, confer with Roxy Stevens re: pending personnel matters, and pending city matters, call to TMPA attorney re: requested appeal, hearing and related matters	2.2	330.00
4/24/2020	Document review and correspondence with attorneys regarding personnel matters. Telephone conference with Jeff regarding legal issues including personnel issues, and police department issues. Document review of request for records to the City.	2.5	375.00
4/27/2020	Review emails from concerned citizen re: remote meeting concerns and social media use by City and City FB page, appointment process of Council members, review personnel related files, review Standard Operating Procedures Manual for Police Department, Review Personnel Policy, review Policy Department Policy Manual, review information related to reserve police officers in police department manual and procedure, review correspondences from TMPA attorney Rojas representing 2 terminated officers, and emails from Attorney Rojas	2.2	330.00
4/27/2020	Telephone conference with Jeff regarding legal issues including personnel issues, and police department issues; correspondence and document review from the Mayor. Work on the request for records to the City.	2.8	420.00
4/28/2020	Attention to the personnel matters and the request for records; correspondence with the Mayor regarding both; legal research.	3.2	480.00

# The Knight Law Firm, LLP

## Attorneys at Law

Attention:

City of Kempner  
 Keith Harvey, Mayor  
 P.O. Box 6608  
 Kempner, TX 76539-0660

Invoice #: 2243  
 Invoice Date: 6/3/2020  
 Matter: General  
 Billing Period: April 1st - 30th, 2020

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Amount</u>
4/29/2020	Review email re: request for records related to interim police chief, open records request determination and confer with MC, review records related to resignation of former Mayor circa 2014 and related history	1.1	165.00
4/29/2020	Respond to Mayor's question regarding absent resignation	0.3	45.00
4/29/2020	Document review of relevant documents related to personnel matters and recent terminations; telephone conference and correspondence with Mr. Lytza Rojas regarding her clients personnel matters. Correspondence with the Mayor regarding personnel matters. Document review of and work on open records request.	2.9	435.00
4/30/2020	Correspondence from and to Mayor Harvey regarding the return of evidence from former employees.	0.4	60.00

**Total** **\$7,686.00**

**The Knight Law Firm, LLP**  
**Attorneys at Law**

Attention:

City of Kempner  
Keith Harvey, Mayor  
P.O. Box 6608  
Kempner, TX 76539-0660

Invoice #: 2244  
Invoice Date: 6/3/2020  
Matter: Municipal Court  
Billing Period: April 1st - 30th, 2020

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Amount</u>
4/16/2020	Review emails from Mayor Harvey related to ordinance 2010-02-09-001 and his desire to file a complaint; review ordinance, draft complaint form for court, review summons, plea form, penalty provisions and related court matters; call to Tracie Martin re: InCode related matters, complaint and serving notice of complaint, discuss complaint filing process and related court procedural matters; Inform Mayor Harvey of complaint form for his use if desired.	2.8	420.00
4/20/2020	Review email and letter of representation from attorney McCabe re: pending city ordinance complaint, review city ordinance re: alleged complaint of park regulations	0.4	60.00
4/21/2020	Review email from Tracie Martin re: pending court matters, receipt of plea form	0.2	30.00

<b>Total</b>	<b>\$510.00</b>
<b>Credits</b>	<b>\$0.00</b>
<b>Invoice Balance Due</b>	<b>\$510.00</b>

# Kempner Police

## Memorandum



To: Kempner City Council

Thru: Dr. Keith L. Harvey, Mayor

From: Charles E. Rodriguez, Chief of Police

Date: July 7, 2020

Subject: Monthly Police Department Report – June 2020

Kempner City Council,

Your police department has been and continues to work on the following criminal cases and department tasks:

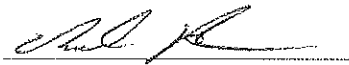
1. Criminal cases open and status of investigations:
  - a. Indecency with a child reported on 6/24/2020, case is active and under investigation,
  - b. Identity Theft – personal information used to establish an AT&T account was reported on 6/8/2020, case is active and under investigation.
  - c. Theft over \$50 and under \$500 was reported on 5/18/2020, case is open and under investigation.
  - d. Harassment/Stalking was reported on 05/13/2020, case is open and under investigation.
  - e. Two cases of Illegal Dumping were reported on 05/04/2020, both cases are open and under investigation.
  - f. Theft of Mail reported on 05/01/2020, case is open and under investigation.
  - g. Disorderly Conduct reported on 04/27/2020, case is open and under investigation.
2. Calls for service.
  - a. Police responded to 29 calls for service.
  - b. Calls ranged from loud music to indecency with a child.
3. Traffic stops:
  - a. Total stops: 25
  - b. Traffic Violations: 25
  - c. Warning issued: 7
4. Patrol Vehicle usage and maintenance:
  - a. The patrol vehicles were driven 1,351 miles.
  - b. The department used 136.579 gallons of fuel.
  - c. The patrol vehicles fuel cost was \$245.30

- d. Engine light was active on the 2011 Dodge Charger. Analysis by FAN's Automotive revealed a sensor required replacement and conducted repair.

5. Administration:

- a. Conducted a background investigation on Mr. Keith Volk. Provided a recommendation to the Mayor and City Council.
- b. Received an email from the Texas Attorney General's Office reference non-compliance with Chapter 59 Asset Forfeiture reporting for 2017, 2018, and 2019. Tracking of reportable items is still on-going. Requested Lampasas District Attorney office assist by providing various documents supporting the current disposition of items requested for seizure during the above periods.
- c. Working with COPSYNC to replace all outdated Mobile Data Terminals in the patrol cars using CARE (Corona Aid, Relief, and Economic Security) Act federal stimulus package funding. No cost to the City of Kempner.
- d. Coordinated with COPSYNC and TXDOT to ensure the department is in compliance with state mandated submission of crash report.
- e. Coordinated with COPSYNC and DPS to ensure the department is in compliance with state mandated submission of National Incident Based Reporting System monthly report to the FBI for crime stats.
- f. Sent a memorandum to the Lampasas County/District Attorney's office requesting disposition on case files.
- g. Established Field Training Officer program in accordance with the Texas Best Business Practices for law enforcement.
- h. Departments Policy manual is approximately 75% completed.
- i. Completed the departments registration in Violent Criminal Apprehension Program (ViCAP). The 86th (R) Texas Legislature that passed HB3106, and was signed by Governor Abbott on May 29, 2019, creating what is now called Molly Jane's Law. This law took effect on September 1, 2019, and specifically states all Texas law enforcement agencies must enter their sexual assault cases into the ViCAP Web National Database.

- 6. Updated the house watch request form and placed it on the department's webpage. We will continue to update webpage for accuracy and provide information to the citizens and visitors of our community.



Charles E. Rodriguez

Chief of Police

Kempner Police Department

STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

BE IT REMEMBERED that on July 14, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, Betty Parker, John Wilkerson, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 7:15 P.M. and the following business was conducted:

1. Roll Call- All Present
2. Council Member Mr. Wilkerson Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### Non-Action Items

#### 4. Citizens Comments –

- Gisela Nena

Mayor and Council, I bring this to you not as a question but as a statement and food for thought. Ask yourself " Why is the City Park being vandalized so much, and always seems to be geared towards racism? This never occurred before and seems strange that even with video cameras in the park, with eyes everywhere , this is still happening? Could this all be a set up? Also why do citizens always have to bring the park issues to the mayor? Don't we have a park supervisor? Shouldn't they be seeing this almost right after it happens and not weeks later? Seems to me that they aren't doing their job if they don't see this stuff and report it to the city. And since it seems like that's the case, I think we should re-evaluate their employment and find someone more competent. In my opinion the cameras were a waste of city funds, so if this costs us extra to keep operating, I would like to bring it to you to disconnect and rethink. If in fact the cameras are working, then the guilty individuals either are on tape, or its been erased. And if on tape, bring it forward... hold these racists accountable. And since we are on park issues..... I think we might need to reconsider the operating hours. The park has been closed more than it's been open the last month and longer. Just seems stupid to shut down the entire park for small areas of maintenance. I do not believe any other park in nearby cities have ever entirely closed for spot repairs. If we cant use the park, we might as well not have one and save the city the costs of upkeep and utilities. The park being closed is hurting many citizens and their families.. especially during these times when its unsafe going most places. Again, we have cameras so any issues relating to the repairs can be handled while still keeping the park open as scheduled. Punishing the masses for a few minor infractions just isn't right.

Thank you for your Time

- Vance Rodgers

Good evening council,

I am having trouble getting the mayor to answer a couple of questions: How can the City of Kempner request an exemption from the Attorney General, and later tell a citizen that the requested document does not exist? If the document does not exist, how does it get sent for an exemption request? The mayor does not want to answer these questions for obvious reasons. We already are aware of his incompetence, most recently, conducting a special called meeting without a quorum. In this meeting, two of you, which are up for election, allowed this illegal meeting to occur, without speaking up. The issue with exemption requests however, appears to be clear and intentionally lying to avoid self persecution and criminal activities. I don't expect the two of you that are up for election to do anything proper for the citizens, just as you should not expect to be elected. Kempner needs leaders, not a group of quiet mice with no backbone to stand up for what is right.

- Wayland Allen

Good evening Mayor and council, I'm having a very hard time understanding why we have a Mayor that for some odd reason thinks he CONTROLS our community himself! Nothing can get on a council meeting agenda because it's CONTROLLED by the Mayor, our amazing park has been closed more than its been open due to repairs to the Memorial that 3 council members that I've personally spoken to have absolutely no clue what is even being done! That tells me the Council has never voted for any of these repairs or Camera systems that have been installed at the park! While on the park subject I see all the shrubs and rock that the tax payers just spent thousands of dollars putting in has now been torn out! Tell me that wasn't wasteful spending Mr Harvey! So we have a park that's CONTROLLED by one man.. The MAYOR! Now I see the mayor wants to pass an ordinance on the amount of public records a person can receive! Really! Why in the world do you send every single public records request to the city attorney for them to send them in for EXEMPTION? That's not Transparency that looks like your hiding something! It's time for this City Council to Stand up and DEMAND to know what is going on here! How can you as council members vote to approve the minutes from the last meeting when it was illegal? If you think the citizens aren't watching all this your highly mistaking! I'm tired of watching the community I love be ripped apart!

BLESSINGS!

- Lloyd Smith

Dear council, I would be there in person to deliver these comments, but we are still restricted from attendance. I have a couple of quick things to point to, and thank you for your time. The first item is that there is currently a significant disconnect between the guidance and enforcement of COVID precautions we are all getting now. We are not allowed to attend the meetings in person over concerns of COVID, and there is a county requirement to wear masks in many public buildings, including, if I am correct, city hall. Social distancing might mitigate that in some instances, but I have, on two occasions, been to city hall on business and not been required to put a mask on as well as staff working there have not been masked or socially distanced. I bring this to your attention to highlight the hypocrisy. Right now, citizens can't attend the

meeting over COVID risks, yet many of the people in the room with you right now are not practicing safety precautions in their daily work, thus increasing your chance of exposure. There is a solution to this, and the City of Bartlett has already proven it to be effective. An utterly virtual city council meeting conducted on Zoom, where the public can participate and all are safe from unnecessary risks. I have mentioned this several times, but no one seems to want to action this real, safe solution. The second item is the park, which I assume many will be commenting on it tonight. The memorial has caused the park to be closed for far too long, and the newest bit of construction has ripped out a good portion of the landscaping this council paid \$5,000 for less than a year ago. The mayor cites a safety concern as the reason for the memorial work, but where is the report showing the wall was indeed a safety issue? Why a complete redesign and not just a repair to fix the unsafe problem? Based on the redesign, much of the landscaping that is being torn out is to make the memorial ADA compliant again, but was the work necessary? How much has been spent so far? How much is going to be spent to complete this project? The council should have approved a project of this size like the Kempner Sign replacement was, but I can't find where the council approved. The last thing would be the special called meeting last week and the posting of the agenda for tonight. The state quorum requirements for a regular meeting are 3 of 5 council members for a regular meeting, but 2/3 are needed for special meetings. This means that 4 of 5 were required to make last week's meeting meet quorum. It did not meet that requirement. However, I have noticed that some of the items from that meeting have been put back on the agenda for this meeting, which is good. However, I must ask each of you if a quorum is not met at a special meeting and items are passed, are they legal? Look back over the last year, and you will find another meeting that didn't meet the 2/3 requirement. On top of the quorum issue, the mayor posted the restrictions and comments guidance almost 45 minutes after the close of city hall, so I ask how exactly were citizens supposed to present comments? Lastly, based on the historical advice from the city attorney, agenda posting, to be compliant with TOMA's 72-hour requirement, must be online as posting at city hall is not enough. This agenda was not online until yesterday, so the question that must be asked is if tonight's meeting is valid or in violation of TOMA

## 5. Reports

- City (Mayor)- Nothing outside the multiple infractions the fourth of July weekend about the firework displays. I know many are aware of it we have received several calls. It would be a mass effort to chase every infraction concerning fireworks. People that have lived here for years know we have an ordinance as do the surrounding cities. Someone even shot fireworks off in the park. Many violations of fireworks occurred. I know we have two firework stands in our ETJ that are constantly open during these times of year and the moment that someone purchases them and goes left or right depending on which stand purchasing from if they are in your car you are transporting with intent to ignite fireworks and if our officer is two blocks down the road and they get pulled over they can be cited.



Who owns these fireworks stands? Who allows these fireworks to be displayed? Who votes on these ordinances? Therefore it's something we need to look at. So it is just something to think about especially since citizens are constantly calling we can't chase them all over the city, So citizens please understand it would be a lot of work just for this small city to go to every firework infraction.

- Police Report for June (Chief Rodriguez)
- Mr. Ruzkiewicz asked Chief Rodriguez if the service calls are just in the city limits or do you go outside the city as well?
- Chief Rodriguez stated the calls for service may be inside the city or in the county if we are asked by the county to assist them. We do help the Sheriff's office from time to time if they do not have a deputy close or need assistance.
- Mr. Ruzkiewicz stated that he had someone call him about a family issue and wanted to file a report here in Kempner but they do not live inside the city limits. So would they go to the county?
- Chief Rodriguez stated if they wanted to file a formal report or complaint then yes they would have to go to the Sheriff's office. What we do with these calls of service if it is an emergency and there not close we go cool the situation down and when they get there they have the scene.
- Mr. Ruzkiewicz asked if there was a police report on the graffiti on the bathroom and the columns how did they go about doing that.
- Mayor stated we had a citizen come to the City and made the city aware and the fact that they were offended and the city assured him that we would take care of it. I don't want children or anyone to come to the park and be offended with vulgar markings. We don't want children to see that. Even when the swastika was grinded down it still wasn't enough,ue to it's deep carving in the city park restroom. It shouldn't happen and why its happening only God knows.
- Mr. Ruzkiewicz asks Mr. David Lowe if there was any coverage of the graffiti in the bathroom and on the columns under the bridge.
- Mr. Lowe stated with they did here about the swastika in the bathroom and he just got news of the bridge today.
- Mr. Ruzkiewicz just wanted to point out that it is a repeated incident.
- Mr. Gipson says it is unfortunate that we have graffiti and racist comments in our city. My only concern is on the columns for the U.S highway bridge my first thought is that property belongs to the state and I hear you say that it was grinded down that makes me think that it destroys the integrity of the bridge and I'm curious if anyone reported that to the state highway dept.
- Mayor answers that the grinding down was in the bathroom of the swastika not on the bridge. Nothing was grinded down on the bridge.

- Mr. Gipson stated thank you for clarifying that. The graffiti on the bridge that was posted on the site was that reported to the state since it is there property?
- Mayor stated with the first thing is that we do have the entrance to that side of the bridge coming down the hill from our park and many people go down that hill. So as far as the state no we have not but what we can do as a city is gate it all the way off so that no one can go down with there children to wet there feet if that is something you want to do let's get it done but if not and we allow people to go down that hill and get in the water then there is some type of ownership we need to have unless we close it off. If we close it off anyone that goes over that gate is in violation and the city is not held accountable but if it is open then we do have some responsibility
- Mrs. Vandever asks where this is located?
- Mayor answers with if you go into the park and walk around the track then you can go down to the creek from that side of the park. If we don't want that kind of responsibility then we need to close it.
- Mrs. Vandever says well they weren't supposed to that first.
- Mayor answers with well there were a lot of things not working right now and I understand that but right now we are having issues but right now what are some solutions to rectify these issues?
- Mr. Wilkerson says while we are on this subject hashing out to put a gate there can we get ahold of Txt Dot for someone to go down there with some simply green and scrub that off.
- Mayor stated with I have been having a lot of phone conversations with them already for several issues and I understand the simply green deal but that would be a lot of elbow grease since every pillar is marked and above the pillars as well. We have to relinquish responsibility or accept the responsibility those are our two options.
- Mrs. Parker I know the cameras have shown a lot and have been a good edition and I know they can't cover the whole park in our budget and probably did not see over there but they have been catching a lot of events happening there so I think they are important to have. Is that property down there park property is apart of the park or is it a private area?
- Mayor stated with I can tell you this that has been a question since I have come into the office. There is a portion unaccounted for and until I see stakes of the boundary that's what I need to see. Where does it start and where does it end? That has my concern so we can know what the city is actually responsible for. Because if we have to close it off then my heart goes out to the families that love the water. So those are the things that I'm looking for and into.
- Mr. Gipson stated I think it would be very unfortunate for the city to close off that area of the park because of malicious graffiti even though it is state property, not

city property I also enjoy going down to Taylor creek myself it is beautiful its a neat place to go and I don't think we need to deprive our citizens of that.

## ACTION ITEMS

### 6. Consent Items.

All items listed under the Consent Agenda are routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered separately.

- a. Consider approval of the minutes from the Council meeting held on June 30, 2020.
  - This is struct from the agenda.
  - 6D will be considered by itself.
  - Mr. Gipson asks why 6A is struct from the agenda?
  - Mayor answers with it did not meet the quorum.
- b. Consider approval of the Accounts Payable for payment dated July 1, 2020.
- c. Consider approval of Ordinance 2020-07-14-01, an ordinance of the City of Kempner, Texas Establishing Minimum Municipal Court Fines.
  - Mr. Wilkerson, I make a motion to approve 6b and 6c and I would like to ask a question when it becomes a time in our discussion.
  - Mrs. Parker seconds that motion.
  - Mr. Wilkerson asks Judge Mahoney on the fines is that just updating it of what it was or is it new? Can I get a better explanation?
  - Judge Mahoney answers with it hasn't been updated since 2010 so what I did was update it with what Lampasas County had.
  - Mr. Ruskiewicz comments on the legal services to the council that we are in a period of time where the expenses are quite high I guess we just need to be conservative with our time with them.
  - Motion to approve 6B and 6C, 4 (Parker, Wilkerson, Ruskiewicz, Vandever) in favor 1 (Gipson) opposed, motion carries.
- d. Consider adoption of Ordinance 2020-07-14-02 establishing monthly and annual time limits on the time spent by City personnel on responding to a requestor seeking public information.
  - Mr. Gipson stated I have had a couple of citizens ask me questions about the request of information part of it was in the dear remarks at the beginning of the meeting talking about requests to the city where you the Mayor sent them to the

attorney and the attorneys sent the to the AG and that they were denied the information can you speak to that concern?

- Mayor answers Yes, I can. Since I have been in this seat there has been an influx of open records requests the city has an obligation to respond to open records requests. When they request something like bank statements And some of the comments are "it shouldn't go to the attorneys it should just be given to us". No, it shouldn't we can't just hand over credit card statement or something as such with nothing redacted so it goes to the attorney. The attorney sends it off for legal opinion and they tell us if they are required to have it or not and if they are then it gets sent immediately. This is not about withholding information this is about a plethora of open records requests by the same individuals over and over again that is why this ordinance is here. At first an open records request sent by email was of no cost but now since there is an abuse of them and the time it takes to gather the information and taking them away from their daily job to go through the archives make copies and send the archives it takes a lot of their time away from city business. Anywhere else you will pay for a copy its that simple if you want it to pay for it if it takes time then pay for if you don't want It don't pay for it. Everything is done by protocols and procedures. The city cannot withhold anything a citizen is supposed to have. I don't handle the open records the City Secretary does. It is not the mayor it's the process.
- Mrs. Parker comments I have read a lot, talked a lot, read a lot about this and to respond back to some of our listeners no I am not stupid I am very educated on what I'm doing I read everything I have printed a copy of the government code I have picked through it with fine-tooth comb and if you go to section 4<sup>th</sup> whereas it established no limit on no request in a period of time. The whole situation here is to try to give our secretary the rights on their job the same right we have as citizens to ask for open records and the same right to do their job while they work on your open records and the threats to file huge multitude amounts to try and flood the office is selfish and childish and not fair to this city and these secretaries that work hard and that don't get paid enough to put all their hard work in and we are grateful to have them. This is Texas law this isn't a surprise this isn't something the Mayor put up because he is a "communist" which is a comment I got I'm tired of hearing that in our city. Our city has nothing like that on their mind and it is just ridiculous to hear that it is time for this city to pull together and stop wasting time and stop wasting finances we have a job to do and I don't want to see our cities time and money on it. There is nothing illegal about it nothing wrong with it if there is any single issue that is determined to be a problem then tat issue van be pulled out I don't see it as a power grab and the number of things that comes in some is foolish and some are very important that needed to be requested and this is not stopping our right at all but it does slow down our

number a little bit of wasted time and I think that is important. I have studied it and looked at it and I think it's important.

- Mayor, I will make a statement to all the council members no one in this room is stupid, the six people in this room are elected officials, we all have a job to do. We may not have to agree we can agree to disagree but we all have a job to do as elected officials on this council. Do what is best for the city. The reason you are council members is because of your deep love for the city. I often get questions like why do you do it? And why do you put up with so much? I am built for this. It's that simple I didn't do it for me this is all a part of God's plan he knows what is going to happen before we do so I ask you to do your jobs.
- Mr. Wilkerson stated no question just discussion so first addressing Mrs. Parker's concerns and going on record that I don't think your stupid and I don't stand by anyone that does think you are and the decisions that you make are the decisions that are important to you. Shame on them and this is a time where we will agree to disagree I don't think we should charge the citizens for information that is there's any way.
- Mayor asks if there is a motion?
- Mrs. Parker moves to adopt 6D, Mr. Ruskiewicz seconds the motion.
- Mr. Gipson wants a discussion.
- Mayor stated with I asked if everyone wanted anymore discussion and now you want to discuss? Did you hear me? Do I need to speak up?
- Mr. Gipson answers with yes I heard you loud and clear I am seeking the right to speak.
- Mayor says I just want to reiterate that when I ask if anyone else has a discussion that is the time to discuss. When they made their motion then you want to speak. Im just trying to get some clarity. when the floor is open for all discussion that is when you discuss not to wait until after the motion but go ahead.
- Mr. Gipson answers with I will remind you to look at Roberts rules of order at any time if the motion is out before the floor the next step is the second then its open for discussion we discussed before the motion was made in that discussion period is time for anything to be discussed and amendments to the motion on the floor.
- Mayor says Robert's rules are a guide. You wanted to discuss before the motion there is no issue for you wanting to discuss when the floor is open for discussion that is when you discuss so please continue your discussion.
- Mr. Gipson I would like to inquire as to how I could amend a motion if there is to be no discussion after the motion is made.
- Mayor answers with if you made the motion then you can amend your motion but you didn't make the motion.

- Mr. Gipson says I move to make a motion to adopt the ordinance and to remove 4a from section two where it talks about cost to the citizens so that there is no cost to the citizens for information.
- Mayor says understand it is costing the city. Don't come in here and ask why does it cost so much if you don't want to charge the citizens. Every council member has a concern to the fees so if you don't want to charge them then don't get upset when we pay the attorneys. Is there anyone that would like to second Mr. Gipson's motion the removal of 4a from the ordinance?
- No second, motion dies.
- We move to the first motion. 2 (Parker, Ruskiewicz) in favor, 3 (Gipson, Wilkerson, Vandever) oppose, motion denied.
- Mr. Gipson states just for the record that the Mayor has informed us that we cannot make amendments to the motion on the floor.
- Mayor states just for the record the mayor did not say that the mayor told Mr. Gipson that he cannot amend someone else's motion. We will move forward.

7. Consider approval of the City Financial Professional, Mrs. Alice Deocoriza as the City of Kempner Financial Professional.

- Mr. Gipson says the information that was provided to me about Mrs. Deocoriza that she has no experience working for a city and I don't think she should be our financial representative.
- Mr. Wilkerson says I have a question. So I was reading through what was discussed from the last meeting and they have mentioned about QuickBooks and that it would be better for the city and would make the transition period a lot easier for us and I'm sold with that idea but she isn't very familiar with the QuickBooks program is that correct?
- Mayor answers with she is not as well versed as many that have been working with it for ten plus years but even our city secretary has caught on to it pretty quick it is not a hard system to learn it has self-explaining tutorials on it. To say that a person cannot do the financials because she has not worked for a city is a fallacy. The financials that you have in your hand were actually done by Mrs. Deocoriza. She has found some discrepancies. This city has a responsibility and you can sit here and not vote and do whatever. But I also have a job to do and I will do my job to the best of my ability. We will not fall behind and be subject to anyone's games. So you can look at them and actually look at them compare them and they will be bounced off to make sure they are correct. Postpone, deny, do whatever but I will not let the city fall. It's a month to month deal to keep us in line since some people tried to make us fall. The city will continue to go forward.
- Mrs. Parker, I looked through very carefully she is very educated and she has done a lot of mobile bank work and I have had an extensive conversation with Mrs. Taubert and she would love to help her with the QuickBooks program and she has spoken with her circle of colleagues the thing is our city is just too small to come in they don't have time to deal

with this when they are working on big things. We are working with a 30-day evaluation each time that is a perfect way to go. I just wanted to say she is perfectly capable of doing this job. She will just have to catch up with QuickBooks.

- Mayor stated what were looking at is a system, someone else's system so when someone else comes in and we don't know their system, one would need to see and actually research the system to understand how I need to present it, unfortunately, the city was not afforded the opportunity. We have called no pickup. All we can do is pick up from here, Its not hard our budget is not vast its real easy. Everything is online nothing is hidden. Auditors, CPA's can go online and look at everything. You have financials in front of you that was done by Mrs. Alice but the decision is yours.
- Mr. Wilkerson stated so what I'm hearing the concern is doesn't have city experience and I agree with the mayor that her qualities are good my concern at this point is that it is just 30 days and I don't want to sit back here in 30 days so with that being said I move to approve item 7 until we have approved the budget.
- Mr. Ruzskiewicz seconds that motion.
- Mayor asks if anyone would like to discuss.
- Mr. Ruzskiewicz says he would like to add the city has the desktop pro of QuickBooks already and that's what she would be learning and it will be easy for her to learn it.
- Mr. Wilkerson stated I just want to clarify that the motion was until the budget is passed and if at any time if she cant perform then we will meet back and reconsider.
- Mayor stated two things need to be done one is the amendment and two is the budget and I'm not sure anyone understands we sent two checks for insurance one was put in prior to the audit so that is why you had received three September financials. There is also another check for around 19000 that is not done and that is where the amendment comes in and this is very important and then we will talk about the budget keep this in your mind things have to get done we have to get city business done.
- Mayor repeats Mr. Wilkerson's motion to approve item seven Mrs. Alice Deocoriza as the new city financial advisor until the budget is completed unless she is not performing to the city's standards then we will reconsider this approval.
- All in favor, motion carries.

#### 8. Staff Comments

- Mr. Wilkerson stated I would like to comment about what I have been seeing or hearing a lot of and I just want to address the lack of quorum there's a lot of unknowns and I will be the first one to say that I wasn't even aware of a supermajority for a special meeting. The other thing is can we start getting the citizen's comments after the meeting so we can keep them in our records?
- Mayor answers with what you are requesting it is their personnel information that will probably have to be redacted.

- Mr. Wilkerson interrupts with I wouldn't mind having the redacted version with just their name, not the address or anything.
- Mayor answers if I was just to scan them to you I have their emails and everything I would just have to talk to the attorneys and see if that is something we can redact and send them to your fellow council members. So you can follow up with their comments.
- Mr. Ruskiewicz asks open the citizens comment are we not allowed to answer the comments?
- Mayor's answers no because it's not an action item.
- Mrs. Parker I would like to remind everyone to read number nine to remind everyone that we do have a budget workshop.
- Mr. Wilkerson asks with the meeting coming up workshops coming up do we need tables down here do you have some? If not I do have some foldable tables.
- Mayor stated I will defiantly look into getting some tables for everyone and speaking on the attendance if you're not going to be here then you do have to inform the city secretary prior to the meeting because if we do not have the correct number of people then we need to know immediately.
- David lowe asks what happened to the Taubert firm?
- Mayor asks if we would like to talk offline and says well I can say there are people in this city that are not nice and the most hurting thing that I had to hear from that night from her husband after they came and sat in my office they asked: "Are we safe?" That broke my heart for people that had never been to this city asked are we safe and I assured them yes they are safe and that is the question that hit me! First impressions are lasting impressions and that is the first impression they had. A lot of people don't like change but change is good. It might hurt but it is good it is a part of the process. If someone doesn't want to change and doesn't want to grow you have to ask yourself why? Why do people just want to stay the same why not change why not grow? This is not what our city is about and we should do better.
- Mr. Ruskiewicz says a concern of his is that there are children that are not going to school and have to make an alloy of sacrifice in a family situation and we have to consider that also.
- Mayor states council members look at the full spectrum. The number one thing that will increase at home is the grocery bill. There is a lot going on. People have called and asked me when is this going to end and I wish I had an answer for them but I don't. The second question is how many people in Kempner have it? Well we look at the county not just the city we are in Lampasas county and we do have people that come through here everyday. That is why it is important to practice social distancing and to wear masks.

9. Date of next meeting: Budget workshop July 21, 2020, 6-7 pm. Regular meeting on July 28, 2020.



10. Adjournment. Mrs. Parker moves to adjourn, Mr. Ruskiewicz seconds. All in favor, motion carries.

ATTEST: 

Hayleigh Robello –City Secretary

APPROVED: \_\_\_\_\_

Dr. Keith L. Harvey- Mayor

