

## Nixon City Council Minutes for 12.4.2023 Special Meeting

The Nixon City Council met in Special Session on the 4th day of December 2023 at 5:30 p.m. in the Council Chambers at City Hall 302 E. Central Ave Nixon, TX 78140.

Members present were: Mayor Dorothy Riojas, Justin La Fleur, Maggie Gaytan, Ellie Dominguez, Patsy Scherrer, Melissa Pompa, Eddie Escobar, Tanya Torres, Jeremy Bustos, Chief Miguel Cantu, Delia Aguirre, Nina Hernandez, Natividad Ruiz, Gilbert Soto, Briana Dominguez, Yolanda Messman, Adolph Trigo, Nancy Pawelek, Patricia Dingler, Teresa Maldonado, Jeff Welty, Isidor Pawelek, Debbie Johnson, Frank Croghan, Gilbert Serna, Deborah Bustamante, Gladyne Finch, Don Finch, Jesus Reyes, Lew Cohn, Michael Martinez, Mark Mendez, Michele James, Bobby Caldwell, Ruby Jantes, Harold Rice, Loyce Rice, Lori Hanson, Margaret Davis, Sherri Wuest, Hector Dominguez Jr. Mary Maldonado, TJ Lopez, Shannon Smith, Nancy Amaya, Leslie Paez, JJ Garza, Misty Pyatt, Maria Galero, Virginia Pena, Patricia Vidal, Briana Dominguez, Teresa West, Fred Castillo, Sherry Wood, Mike Lafferty, Solace Lafferty and Erika Gonzales.

A quorum was declared present, and Madame Mayor Dorothy Riojas called the meeting to order at 5:30 p.m.

Roll call was conducted. All the members were present.

A prayer was given by Mayor Dorothy Riojas. And the Pledge of Allegiance to the United States of America and the State of Texas was recited.

Hector Dominguez Jr. spoke during Citizens to be Heard. He spoke regarding an Open Records Request that he submitted to the City of Nixon City Manager, City Secretary, City of Nixon Mayor, and City Attorney on October 25<sup>th</sup>, 2023. He was requesting the names of City Employees, City Officials, City attorneys, Spouses, and guests who attended the TML Conference and Exhibition in San Antonio Texas. Copies of checks that were written to City Employees, City officials, and City Attorneys to attend the 2022 Annual TML conference. He also requested emails that were received by City Employees and City Mayor and City Attorneys to attend banquets, and happy hours during the 2022 Annual Conference. Copies of all debit card and bank statements from September 2022, October 2022, and November 2022 for Third Coast, City of Nixon General account debit cards, and the City of Nixon Utility fund debit card. He requested a waiver of fees and requested the documents be sent via electronic form.

A motion was made by Melissa Pompa and seconded by Patsy Scherrer to allow Mr. Dominguez more time, three minutes increments to speak during Citizens to be Heard. Motion carried 5-0

Mr. Dominguez continued to speak regarding the Open Records Request he had requested as well as an email that was sent on Wednesday, November 29<sup>th</sup>, 2023, to the City Manager, City Secretary, Mayor, and the City Attorney. The email stated that he still had not received the information that he requested be sent via email and that he had paid for it. As of December 4<sup>th</sup>, 2023, Mr. Dominguez has yet to receive a response from Dorothy (City of Nixon Mayor). On Tuesday, November 21<sup>st</sup>, 2023, he sent another email to Dorothy (City of Nixon Mayor), City Attorney, City Secretary, and City Manager regarding the meeting that

was held on November 20<sup>th</sup>, 2023, regarding going into executive session under personnel. Mr. Dominguez also stated that he had sent another Open Records Request on December 4<sup>th</sup>, 2023, to the Mayor, City Secretary, City Manager, and City Attorney regarding an alleged illegal meeting that was held on November 24<sup>th</sup>, 2023, at 1 pm. The meeting was not posted on the website. He also stated that he retained a law firm in Austin since he had not received his request.

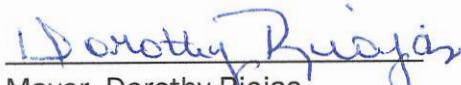
The council came out of Regular Session and convened into Executive Session at 5:54 PM under Texas Government Code 551.071(Consultation with Attorney) and 551.074(Personnel Matters)

The Council came out of Executive Session at 7:23 pm and convened back into Regular Session at 7:25 pm.

A motion was made by Melissa Pompa and seconded by Patsy Scherrer that due to the negligent misapplication or misuse by the City Manager of public funds under his official capacity as City Manager, she moved to terminate Harold Rice as City Manager for the City of Nixon effective immediately with the City to maintain healthcare coverage through the end of the year for Mr. Rice and his family. Before the motion was passed, Council member Justin La Fleur spoke regarding offering Mr. Rice a severance package, if he would accept, outside of the healthcare coverage. Council member Melissa Pompa kept her motion as stood and Council member Patsy Scheerer seconded the motion. Motion carried 4-1. Council Member Justin La Fleur voted nay.

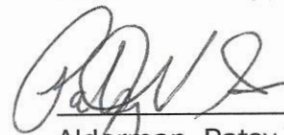
A motion was made by Ellie Dominguez and seconded by Melissa Pompa to add Council member Patsy Scherrer to the authorized signors at Third Coast Bank and remove Harold Rice. Motion carried 5-0

A motion was made by Ellie Dominguez and seconded by Maggie Gaytan to adjourn. Motion carried 5-0

  
Mayor, Dorothy Riojas

  
Alderman, Maggie Gaytan

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Alderman, Justin La Fleur

  
Alderman, Patsy Vigil Scherrer

  
Alderman, Ellie Dominguez

  
Alderman, Melissa Pompa

Attest:

  
Tanya Torres  
City Secretary