

City Council meeting called without the knowledge of the Mayor or Mayor pro tempore

City Secretary calls meeting with disregard of City Charter

Copyright Monday, 29 September 2008, Pratt on Texas, www.prattontexas.com

The town hall meeting set for today by Lubbock City Council members Linda DeLeon and Floyd Price, to discuss renting city facilities to the Texas Tech hockey club, has been posted as an official Special Meeting of the City Council without having been set under the rules of the City Charter and without the knowledge of the Mayor or Mayor pro tempore.

“Councilman Beane told me Sunday, while I was selling pumpkins at Cumberland Presbyterian Church, that there had been a special council meeting called for Monday over the hockey deal,” mayor Tom Martin told Pratt on Texas.

“I don’t know anything about it, I haven’t called a meeting and nobody asked me to,” Martin says he told Beane. He then called mayor pro tempore Gilbreath and asked him about the meeting.

According to Martin, Gilbreath was also unaware that an official special meeting of the council had been called. The mayor pro tem also confirmed that no council member had asked him to call such a meeting.

Charter is clear.

The city charter clearly allows for only the Mayor or Mayor pro tempore to call a special meeting of the council except that two members of the council, acting in concert, may call a meeting if the both the Mayor and Mayor Pro Tem are absent, or both the Mayor or Mayor pro tempore refuse a request to set such a meeting when petitioned so to do.

“I was in town from about 4pm Wednesday until now,” mayor Martin told Pratt on Texas. He confirmed that no one had asked him to call a special meeting of the council for today.

“I did learn Friday that Linda [DeLeon] and Floyd [Price] were going to have a town hall meeting Monday,” the mayor said. “Any council member is free to host a public meeting on their own.”

The language of the City Charter on this subject is clear. In Article IX, Section 13 “Meetings of the Council”, the charter states: *“Called special meetings; time; order of business. The Mayor, Mayor Pro Tem, or any two of the Councilmen in the absence of the Mayor and Mayor Pro Tem, or in the event of their refusal after request is made, may call special meetings of the Council at any time deemed advisable.”*

Mayor learns of meeting by seeing the posting at City Hall on Sunday.

Mayor Tom Martin told Pratt on Texas that after being informed of the meeting by Beane, and talking with Gilbreath, that he “drove down to city hall and looked on the official outside bulletin board and there was an official notice of a special city council meeting posted at 3:55pm on Friday.”

City of Lubbock, Texas
Special City Council Agenda
Monday September 29, 2008 at 4:00 P.M.

Tom Martin, Mayor
Jim Gilbreath, Mayor Pro Tem, District 6
Linda DeLeon, Councilwoman, District 1
Floyd Price, Councilman, District 2
Todd Klein, Councilman, District 3
Paul R. Beane, Councilman, District 4
John Leonard, Councilman, District 5



Lee Ann Dumbauld, City Manager
Don Vandiver, City Attorney
Rebecca Garza, City Secretary

<http://www.ci.lubbock.tx.us>

City Council Chambers, 1625 13th Street, Lubbock, Texas

The City of Lubbock Council Meeting is available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at 775-2025 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

4:00 P.M. – City Council Convenes in City Council Chambers

1. Regular Agenda
Town Hall Meeting for participation and discussion of the Texas Tech University Hockey Club, the use or lease of municipal facilities, and allowing for citizens to voice their concerns in regard to the Texas Tech University Hockey Club and related Youth Activities.

The required posting on the city's website does not give a day, date or time stamp as to when it was posted.

City Secretary violates the City Charter?

The official notice of a Special Meeting of the city council was posted by the office of the City Secretary, Rebecca (Becky) Garza, without verifying that the meeting was properly called.

Pratt on Texas asked Martin if the City Secretary, or an official of her office, contacted him to verify the veracity of the meeting call before posting it as an official meeting. "No," was the answer given by the mayor.

The charter makes clear that the duty of the secretary is "to attest" actions of the council and the mayor. Attest is defined as to "authenticate, affirm to be true, genuine, or correct, as in an official capacity." In posting the notice of a special council meeting without taking action to determine that it was called legitimately, Secretary Garza seems to have failed to exercise her primary duty of office.

Action to be taken.

"We will be discussing how this procedure is to work, in the very near future, with the council and staff," Martin emphatically told Pratt on Texas.