



CITY OF OVERTON

1200 South Commerce Street ★ Overton, TX 75684 ★ 903.834.3171 ★ www.cityofoverton.com

CITY COUNCIL *SPECIAL* MEETING MINUTES MARCH 15, 2021 7:00 p.m.

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD MARCH 15, 2021 AT 7:00 PM IN THE COUNCIL CHAMBERS, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

<u>NAME</u>	<u>POSITION</u>	<u>ATTENDED</u>
C. R. Evans Jr.	Mayor	Y
Josh Hill	1	Y
John Posey (Mayor Pro-Tem)	2	Y
Lane Schurbon	3	Y
Reggie Thompson	4	Y
Michael Paul Williams	5	Y

Staff in attendance were City Manager/Police Chief Clyde Carter, and Finance Director/Interim City Secretary Sherry Roberts.

A. CALL TO ORDER – Mayor Evans called the meeting to order at 7:00 p.m.

1. Invocation was led by Councilmember Schurbon.
2. Pledges of Allegiances were led by Mayor Pro-Tem Posey.

B. PUBLIC FORUM

Robbie Young Carnes, 512 Kingsway, addressed the Council. Ms. Carnes told the Council that she is proud of some of the Councilmembers, but some disgust her in their actions, behavior and how you change your tone. She has six generations that have built or served this community. Your jobs as elected city councilmembers are to work together and to work for this community; not against it. She explained how she has gone through cancer twice, along with other family members and this community is a cancer to our surrounding areas because of the actions that some of you take.

If you don't come together and take care of our business, the state can come in and take over. Ms. Carnes pleaded for the Council to do the right thing and what is right for this community and not what is on their personal agenda.

C. DISCUSSION AND/OR POSSIBLE ACTION TO APPOINT A PERSON OR A PANEL TO HEAR A PERSONNEL APPEAL

Mayor Evans explained this had already been decided, but there are two Councilmembers wanted to address changing the decision.

Mr. Curtis Gilbert, 610 S. Cynthia, addressed the Council. He stated he came to the meeting last week and thought this matter was settled. You have two members who are greatly involved in this situation. Several others have been influenced in this matter. He does not see how this Council can decide on this matter in an impartial way at this time. He believes it needs to be handled by an outside party, even if it costs a little money to do so.

Mayor Evans explained that the City Attorney is adamant that the Human Resource Director should not hear this appeal. Councilmember Schurbon made the motion to appoint a person or a panel to hear this appeal, seconded by Councilmember Williams.



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Councilmember Schurbon explained that after further thought about it, he understands that it would cost the City money to have the City Attorney hear this appeal. However, if this turns into a legal action, then if City Attorney Armstrong is hearing the appeal, this is a conflict of interest and another attorney would have to be hired. Mayor Evans explained that if there is a lawsuit involved, this would be handled by our insurance company, Texas Municipal League Intergovernmental Risk Pool and they would assign an attorney. Councilmember Schurbon explained that this happened four months ago, and due diligence was not performed. Councilmember Williams stated that he agreed with Councilmember Schurbon. He then stated that not all members of the Council were involved in the incident and believes it can be handled in-house.

Councilmember Thompson stated there was an appeal presented that staff has no track of. The City Manager or HR Director does not have this appeal on file, yet the Council is still entertaining this appeal due to a personal relationship. Councilmember Thompson asked City Manager Clyde Carter if he received an appeal to which was answered he does not remember receiving an appeal. Councilmember Thompson then asked City Manager Clyde Carter if he has an appeal on file to which was answered I do not. Councilmember Thompson then asked Interim City Secretary Sherry Roberts if she has an appeal on file to which was answered no sir.

Councilmember Hill stated he believes no one on this dais needs to be on the appeal panel. Half of the governing body was involved in the incident. He asked how one Councilmember can have an unbiased opinion where there are relationships between Councilmembers. There is not one single reason for any Councilmember to be on this panel. It should automatically be appointed outside the Council because there is no way any of them can have an unbiased opinion. However, like Councilmember Thompson said, if there is no track of an appeal, there is no appeal process. If the Council is going to uphold an accountability standard, we must hold ourselves accountable before we can expect the same thing from the public. He explained he has a problem with this because it gives the impression of the “good ol’ boy” system and a witch hunt and if they are going to protect the integrity of the Council, they need to wash their hands of it and let an unbiased entity take it.

Mayor Pro-Tem Posey asked Councilmember Schurbon and Williams if they can make a neutral decision. Councilmember Williams answered yes. Councilmember Schurbon believes they are damned if they do and damned if they don’t. He stated he has read the witness statements and that he doesn’t know anything about the incident other than what he has read.

Councilmember Thompson stated then we go back to the question directed straight to Councilmembers Schurbon and Williams. He stated that Councilmember Hill was also not at the incident. Again, Council is handpicking who they want to make a decision about the appeal that should not be taking place in the first place. He stated he agrees with Councilmember Hill that if this is the way we are going to conduct business at this municipality, he will not be a part of it.

Mayor Pro-Tem Posey stated that Councilmember Thompson and Councilmember Hill campaigned together and often dine together; therefore, he opined that Councilmember Hill cannot be a part of it. Councilmember Thompson refuted Mayor Pro-tem Posey’s statement and brought attention to a February 14, 2021 Facebook post by Loretta Posey asking for help to pay Councilmember Schurbon’s taxes which was “liked” by Mayor Evans and Mayor Pro-tem Posey. He stated that if this is not a conflict, he doesn’t know what is.

Mayor Pro-Tem Posey explained that Councilmember Schurbon’s wife has cancer, and he does not have a problem with the Schurbon’s spending money on her illness instead of property taxes.



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Councilmember Hill does not understand why he cannot hear the appeal just because he dines with another Councilmember. He stated he has been to Councilmember Schurbon's house before. This whole thing is one big conflict of interest.

Mr. Curtis Gilbert stated that Councilmember Schurbon brought up earlier that he did not think the City could use the City Attorney because if he was involved, another attorney would have to defend the City if it went to court. This eliminates Councilmember Schurbon's excuse of not using the City Attorney to which Mayor Evans agreed. Mr. Gilbert stated this means that this can go back to the City Attorney like the decision was made last week to do.

Councilmember Schurbon agrees with Councilmember Thompson that there is no appeal on paper. Councilmember Thompson stated that if this appeal goes through, it goes against the Police Department's Code and Procedures, but it also violates the City's Personnel Policy and Procedures. He reiterated that there is no file of an appeal, yet the Council is going to give an appeal based on a relationship. He asked the Council to think about that before making a decision.

Councilmember Schurbon asked Interim City Secretary Roberts what the policy says about appeals. Ms. Roberts explained that the employee personnel policy states that the appeal is to be heard by a panel made up of the Mayor, Mayor Pro-tem, and Human Resource Director and all three people in these positions has come kind of conflict in some way. The City Attorney suggested that Council replace these three with others. The City Attorney told Interim City Secretary Roberts that he did not mind being the appeal panel, but if this issue became a lawsuit, he would then become a witness and TML-IRP would assign another attorney to defend the City.

Councilmember Williams stated that there are three people on the Council that were not involved in the incident. He opined that this can be taken care of by the City and not pay an outside person.

Councilmember Hill read the police department and employee appeals policies out loud for the audience to hear. There are conflicting policies; however, you must take into consideration to which policy the employee would fall under. Mayor Evans explained that in this case, it would be the police department policy. Councilmember Hill stated he disagrees with Councilmember Williams that they could sit as the appeal panel, but it would not be unbiased. He then suggested the City have a panel of police officers perform the appeal.

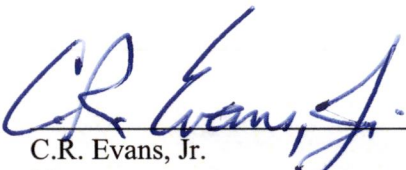
Councilmember Schurbon stated there is no copy of an appeal at all and he has a great concern that City Manager Carter does not recall whether a paper copy of the appeal was given to him. Mayor Pro-Tem Posey stated that he is willing to testify that he hand-delivered the appeal to Clyde Carter on November 11, 2020.

Councilmember Hill stated that going back to our policies and procedures, the employee should give the appeal to the City Manager or the HR Director in lieu of someone else turning it in for them.

Motion to withdraw the original motion made earlier by Councilmember Schurbon, seconded by Councilmember Thompson. Carried 4 – 1 with Mayor Pro-Tem Posey abstaining.

D. ADJOURNMENT

Mayor Evans adjourned the meeting at 7:35 p.m.



C.R. Evans, Jr.
Mayor



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ATTEST:

Sherry Roberts, TRMC
Interim City Secretary

