

**City of Alpine
Special City Council Meeting
February 19th, 2013
6:00 P.M.
Minutes**

1. Call to Order, Invocation and Pledge of allegiance to the flag – Father Damien with Holy Cross Church gave the Invocation and Mayor Rangra led the pledge of allegiance to the flag.

2. Determination of a quorum and proof of notice of the meeting – Mayor Rangra, Councilors Bermudez, Davidson, Lujan, Gonzales and Asgeirsson were present. Meeting notice was posted at 5:00 P.M. on February 15th, 2013.

3. Presentations, recognitions and proclamations – None

4. Reports –

City Mayor's Report - None

City Attorney Report – The City Attorney said he had a couple of items but we could hold them till later on in the meeting.

City Manager Report – Mayor Rangra said he had a letter from the City Manager and he would hand out the letter and read the letter to the Council. In the letter the City Manager said he would not be at tonight's special meeting on February 19, 2013. He said the City Council had agreed to cancel the February 19th meeting at his request since he had made a commitment to be out of town. He said the special meeting calls for detailed information that we are working on, but without the final audit report, we cannot complete the report. He said the City Council had agreed to wait until the final report was submitted before the City Attorney and he could prepare a report and recommendations. He said the special meeting calls for possible termination of the City Manager and with such short notice, he could not properly notify his attorney. He also said without his presence at the meeting his due process would be compromised.

City Staff Updates – None

5. Citizens Comments (on agenda items) –

A. Katie Elms-Lawrence – said she was formerly a member of the City Council. She said you are basing this meeting on a report from the City

Manager detailing steps to correct accounting deficiencies detected in a preliminary audit result. She asked if everyone had seen this preliminary audit? She said in her years on Council, Mr. Skinner has never, ever presented them with a preliminary audit result. She asked if all the Council was aware of all of these things? And she asked if they were from an audit? She asked if this meeting was legal. She asked if the Council was given a preliminary audit? She asked Mr. Armstrong if he had an answer. She said she did not believe this meeting was legal.

Mayor Rangra said he would like to interject to those of the audience who were here for the first time that under the comments, the citizen may make the comment and ask questions but none of the Councilmembers will respond. He said that is the way of the Texas Open Meetings Act. He said that is why the city attorney and none of the Council responded. He said they will just look at the citizen and smile and that is all they can do.

B. Joseph Goldman - said as he read the agenda, in item 8, it indicates a report from the City Manager detailing steps. He said since the City Manager is not here, he asked if there was going to be a report? He said as he understood this, the City Manager had sent a letter that he cannot make this meeting. He said he would like to know why the agenda items are on here unless someone is going to present a report. He said if there is not going to be a report, is this some kind of grandstanding that is going on?

6. Public Hearings – None

7. Consent Agenda – (Minutes, Financial reports, Department Written Reports, board appointments, etc.) – None

8. Information or Discussion items – Councilor Bermudez called for a Point of Order. She said on the meeting of February 5th, 2013, the Council with our City Attorney present, unanimously agreed to change the February 19th Meeting to the 26th of February because our City Manager was not going to be here. She said on February 15th, 10 days later, after this decision was made, she was called and notified that Councilor Lujan had called a Special Meeting on the 19th. She said she thought to herself, how could Councilman Lujan and two other Councilmembers, knowingly, want to have a meeting on this date. She said it is not morally right and it is not ethical and it's evil, it's harassment and it could even be politically motivated. She asked City Attorney Armstrong to correct her if she was wrong. She said at the first Executive Session meeting that we had, Mr. Armstrong advised the City Council not to make any decisions and to wait until the auditor Shaw Skinner brought the audit before the Council and until they had proof. She asked if that was correct. The City Attorney said that was correct. She said she wanted all the citizens and taxpayers to know that

she is against embezzlement of public funds. She said she would not stand for it and would not tolerate anybody that is engaged in this type of ugly activity. She said she would only say one thing and that is lets have the proof. She said as far as she knows, Councilor Lujan has not presented this proof to the Council. She said as for a preliminary audit, she does not have one and does not know if any of the council has one. She said maybe you would be better off calling it "leaks". She said "Yes, leaks, from a convenient, politically motivated executive session, would be more like it. She said a person who commits murder has the right to defend himself and to be present. She said she believes the City Manager has that same right. She said he should be present to defend himself. She said to go ahead with this meeting, we would be taking a huge chance of the city and our taxpayers being potentially liable. Councilor Bermudez made a motion, by Resolution 2013-02-12, to adjourn this meeting until we hear from our auditor Shaw Skinner and that our City Manager is present. Motion was seconded by Councilor Gonzales. Mayor Rangra said Motion had been made and seconded and the meeting was adjourned.

A. Report from City Manager detailing steps to correct accounting deficiencies detected in preliminary Audit results. (Carlos Lujan)

- 1) Review and Control of City Credit Cards usage;
- 2) Removing all charging privileges by City Personnel;
- 3) Cash advances taken by City Employees
- 4) Status of pay back of cash advances taken by City Employees;
- 5) Checks written by City Finance Director to himself;
- 6) Status of pay back of money City Finance Director paid to himself;
- 7) Status of pervasive abuse of overtime by Employees, including Employees taking overtime not yet worked;
- 8) Status of tightening general ledger controls, and general lack of documentation and oversight of city accounts and funds;
- 9) Select new signature cards for all city accounts; and
- 10) Request all names of everyone who has had access to city credit cards prior to the month of January, 2013. (Carlos Lujan)

B. Discuss directing City Attorney to immediately contact proper authorities to report accounting problems for a full investigation of city accounts and funds. (Carlos Lujan)

C. Discuss contracting a forensic auditor either from the Attorney General's Office, if able and available, or a private concern licensed by the Association of Certified Auditors, to conduct a forensic audit retroactive 6 years, more or less, depending on the auditor findings. (Carlos Lujan)

9. Action Items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 15 per meeting.)

- A. Consider job status of City Manager, including possible termination, and if necessary, appoint an interim City Manager for a period of six months.
(Carlos Lujan)**
- B. Consider implementation of item A,9 (above, under Discussion items).
(Carlos Lujan)**
- C. Consider implementation of item B (above, under Discussion items).
(Carlos Lujan)**
- D. Consider implementation of item C (above, under Discussion items).
(Carlos Lujan)**

10. Citizen’s Comments (limit 3 minutes) -

11. Council Member’s Comments and Answers –

12. Executive Session -

13. Action – Executive Session -

14. Adjournment -

I certify that this notice was posted at 5:00 P.M. on February 15th, 2013, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the city secretary’s office at (432) 837-3301 or fax (432) 837-2044 for further information.

Dr. Avinash Rangra, Mayor

Attest:

Margaret “Molly” Taylor, City Secretary

I, Margaret “Molly” Taylor, City Secretary, do certify that this notice was posted at 5:00 P. M. on February 15th, 2013, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Margaret “Molly” Taylor, City Secretary