

Emergency Meeting Notice/Agenda
City of Hearne
209 Cedar Street
Hearne, TX 77859

Amended Notice of Emergency Meeting
City Council
City of Hearne
April 7, 2015

An emergency meeting of the City Council of the City of Hearne will be held on April 7, 2015 beginning at 5:30 p.m. (and concurrently with the regularly scheduled meeting at that time) in the council meeting room at 209 Cedar Street, Hearne, Texas 77859.

The subjects to be discussed or considered or upon which any formal action may be taken are as follows:

1. Termination of City Attorney Bryan F. "Rusty" Russ, Jr.
2. Termination of City Manager Pee Wee Drake.
3. Appointment of city council member to succeed former council member Maxine Vaughn.

An emergency or urgent public necessity exists that requires immediate action of the Board or an imminent threat to public health and safety or a reasonably unforeseeable situation exists, as follows:

Section 3.06 of the Hearne City Charter requires that vacancies on the City Council be filled within ten days of a vacancy. A majority of eligible voters voted to recall Councilwoman Maxine Vaughn on March 3, 2015 and the vote was canvassed and the results made official on March 17, 2015. Since that time, Mayor Ruben Gomez and Councilman Michael Werlinger have boycotted City Council meetings in order to prevent a quorum and thereby prevent the council from appointing a replacement for Ms. Vaughn. As a result, the City's government is paralyzed, and the Council cannot meet to authorize payment of the City's accounts payable. On April 2, City Manager Pee Wee Drake removed items from the agenda for the regularly-scheduled City Council meeting on April 7, 2015, even though those items had been placed on the agenda according to the wishes of a majority of the City Council, and even though Mr. Drake had no authority to remove them. Insofar as Mr. Drake tampered with a government record, it appears that he violated Texas Penal Code § 37.10. When Mr. Drake was confronted about his unauthorized alteration of the agenda on April 6, 2015, he was defiant and he refused to correct the agenda.

On April 7, 2015, Councilwoman Joyce Rattler and Councilwoman Lashunda White

served Mr. Drake with an emergency council meeting notice and agenda, and that agenda included Mr. Drake's termination. Mr. Drake informed the councilwomen that he removed items from the original agenda at the direction of City Attorney Bryan F. "Rusty" Russ, Jr. Mr. Russ had previously tried to persuade the council majority to remove certain items from the agenda and, when that failed, it appears that he acted by force. Mr. Russ is thwarting the will of the voters of Hearne as expressed by the City Council majority. Insofar as he and Mr. Drake have usurped control of the City's government and insofar as Mr. Russ's actions were unforeseeable, an emergency exists requiring the Council to reassert its control over the City's government by (1) terminating Mr. Russ's employment, (2) terminating Mr. Drake's employment, and (3) appointing a replacement for former City Council member Maxine Vaughn.

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

This notice was posted in compliance with the Texas Open Meetings Act on April 7, 2015, at _____ a.m. / p.m.

ON BEHALF OF THE CITY OF HEARNE:

Hazel Embra, Member
Hearne City Council

Joyce Rattler, Member
Hearne City Council

Lashunda White, Member
Hearne City Council
