

The City of Galena Park

City Commission Meeting

Date: January 12, 2015

A special meeting of the City Commission of the City of Galena Park was held at City Hall in the Council Chambers, Monday at 3:00 P.M. on January 12, 2015.

Present were:	Esmeralda Moya	Mayor
	Danny Simms	Commissioner
	Lois Killough	Commissioner
	Maricela Serna	Commissioner
	Juan Flores	Commissioner
	Mayra Gonzales	City Secretary
	Robert Pruet	City Administrator
	Jim DeFoyd	City Attorney

Mayor Moya called the meeting to order.

Commissioner Danny Simms gave the invocation.

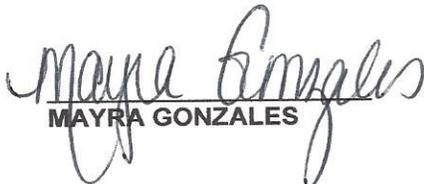
Mayor Moya read item # 2- discuss and take action to protect the city from Comerica Bank's threat to freeze the city's bank accounts in response to a demand letter to the bank by Mayor Moya's attorney demanding the bank stop payment on all the city's accounts not signed by Mayor Moya.

Mayor Moya stated the action the Commissioners should take is to resign the July 7th action and provide her with the authority required from the charter. Commissioner Killough called on Mr. DeFoyd, City Attorney, to go over the letter with the council. Mr. Jim DeFoyd, City Attorney, stated that the purpose of the meeting is caused by the mayor's action to have her attorney send a letter on her behalf as the Mayor of the City of Galena Park to freeze the bank accounts. Mr. Defoyd stated that in the letter she has each account listed that she wanted to freeze including the bond retirement account, general fund account, water revenue account, payroll account, paving assessment account, general fund money market account, and listed each certificate of deposit along with account numbers. Mr. DeFoyd stated that what precipitated this is that the bank, in reaction to the letter, perceived the letter purporting to be the action of the city Mayor of the City of Galena Park, telling them that the bank is going to be sued unless every check bears the signature of the Mayor. Mr. DeFoyd stated that he was not going to debate with anybody in the room including the attorneys in the room over the matter. Mr. Defoyd stated there was still a threat by the attorney and the Mayor to litigate the matter in court. Mr. DeFoyd stated that is exactly where this matter should go. Mr. Defoyd stated Comerica has done everything to cooperate with the city. Mr. DeFoyd stated that in July the Mayor refused to get on the bank accounts. Mayor Moya stated that was not true. Mr. Defoyd stated that after the refusing to get on the accounts the Mayor goes to the bank a few days later and demands that they take everybody off the account, except herself. Mayor Moya stated that was not true. Mr. DeFoyd stated he was told that by the bank's attorneys. Mr. DeFoyd stated that he did not know that Mr. Colon, the Mayor's attorney, had withdrawn his action, until he saw it in his hand, to demand the bank to not honor any checks. Mr. DeFoyd stated that the city has payroll checks, bond and interest payment checks, and other obligations that are outstanding. Mr. DeFoyd stated that the Mayor cannot sign every check, because many of those checks are by wiring. Mr. DeFoyd stated that the Mayor could have just simply said she decided to be back on the accounts and she would be on the accounts. Mr. DeFoyd stated that the charter states that the Mayor signs the checks. Mr. DeFoyd stated that before that happens as it states in the charter it has to be allowed by the city commission. Mr. DeFoyd stated that the Mayor can sign no check unless it is allowed by the city commission.

Mr. DeFoyd stated that the charter also provides that if the Mayor does not sign a check then the Mayor Pro Tem signs the checks. Mr. Defoyd stated that a single clause can be taken out that the Mayor must sign all the warrants, but they didn't highlight must be audited and allowed by the city commission. Mr. DeFoyd stated that they did not highlight where the Mayor Pro Tem signs the checks and other documents if the Mayor does not do that. Mr. DeFoyd stated that on the account the Mayor refuses to sign, the Mayor Pro Tem signs. Mr. DeFoyd stated that the checks require two signatures, the city secretary and the Mayor. If the Mayor will not sign then the Mayor Pro Tem signs. Mr. DeFoyd stated that you do not want one person signing the checks or one single person to dominate the city by refusing to sign a check. Mr. DeFoyd stated that he was going to recommend to council that they take no action today and if the Mayor wants to get on the account, she gets on the account. Mr. DeFoyd stated to the Mayor that she should not think that if she does not sign the checks it doesn't give her any authority. Mayor Moya asked how many people were on the account. Mr. DeFoyd stated he had no idea and she is not on the account, because she refused. Mayor Moya called on Mr. Colon, her attorney. Commissioner Serna stated that was a business meeting. Mayor Moya stated that Mr. Colon was on the agenda and he may speak. Commissioner Serna stated no he may not. Mr. DeFoyd stated that he was not on the agenda yet. Mr. DeFoyd stated that they should just adjourn the meeting. Commissioner Simms stated he had been on council for 12 years and he had never signed a check for the city until this Mayor and Council was elected. Commissioner Simms stated that he was asked to be on the city's account to sign payroll checks and to meet the requirements of paying vendors. Commissioner Simms stated that he only signed the checks twice on two separate occasions. Commissioner Simms stated that the Mayor refused to be on the accounts with Mr. Pruett and himself on there, so when he had to come to city hall to sign a check for the Mayor's reimbursement of a school, he asked if she was going to accept the check with his name on it. Commissioner Simms stated that he did not want to be on the account but as Mayor Pro Tem at the time he did to keep the city going. Mr. Colon asked if he could speak since he was addressed by Commissioner Simms. Mayor Moya gave him the ok. Commissioner Killough and Commissioner Serna asked the Mayor if she was going to sign the signature cards. Mayor Moya stated she will sign the cards if they follow the charter and not go against it. Mayor Moya asked the city secretary if she said she did not want to be on the account. Mayra Gonzales, city secretary, stated that the Mayor said she was not going to sign the form with Mr. Pruett or Commissioner Simms's name on the account. Mayor Moya stated that was correct, and asked did she say she did not want to be on the account. Commissioner Simms asked the Mayor why she did not want to sign with his name on the account. Mayor Moya stated she was not going to violate the charter. Mayor Moya told Mr. Colon to proceed. Commissioner Flores stated that they were going to adjourn the meeting if the Mayor did not follow.

Commissioner Killough made a motion to adjourn the meeting. Commissioner Serna, 2nd ...Vote: 4 Ayes... 1 Nay (Mayor Moya) Motion Carried.

Meeting adjourned: 3:15 P.M.


MAYRA GONZALES


APPROVED