

**CITY OF COPPERAS COVE  
CITY COUNCIL SPECIAL MEETING MINUTES  
March 12, 2008 – 9:00 A.M.**

**A. CALL TO ORDER**

Robert L. Reeves, Mayor Pro-Tem, called the Special Meeting of the City Council of the City of Copperas Cove, Texas to order at 9:00 a.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Somera gave the Invocation, and led the Pledge of Allegiance.

**C. ROLL CALL**

**ALSO PRESENT**

Roger P. O'Dwyer  
Robert L. Reeves  
Larry D. Sheppard  
Mark E. Peterson  
Charlotte Heinze  
Ray Don Clayton  
Fred Harris  
Frank D. Somera, Jr.

Andrea M. Gardner, City Manager  
James R. Thompson, City Attorney  
Jane Lees, City Secretary  
Stefanie Brown, Deputy City Secretary

**D. PUBLIC HEARINGS/ACTION**

1. To present witnesses and evidence in support of allegations that Mayor O'Dwyer violated prohibitions under Section 2.08 of the City of Copperas Cove Charter and allowing Mayor O'Dwyer to present witnesses and evidence in his defense according to procedures approved by a consensus of Council.

Mayor Pro-Tem Reeves opened the Public Hearing.

Speaking for: James R. Thompson representing the City, gave an opening statement.

Speaking Against: Roy Barrett and Michael Scanes, representing Mayor O'Dwyer, gave opening statements. Mr. Barrett made ten objections at the beginning of his opening statement and asked for a ruling on his objections. A vote was taken to agree with the objections with the following results:

Robert L. Reeves	No
Larry D. Sheppard	Yes
Mark E. Peterson	No
Charlotte Heinze	No
Ray Don Clayton	No
Fred Harris	No
Frank D. Somera Jr.	No

Motion carried six to one to not agree with the objections.

Mr. Thompson presented the City's evidence. First witness called was Dennis Haas, Fire Chief. Mr. Thompson did the direct examination for the city and Mr. Barrett did the cross-examination for the Mayor. The City rested.

Mr. Barrett and Mr. Scanes presented the Mayor's evidence. First witness called was Pastor Mark Kemp. Mr. Scanes did the direct examination. Mr. Thompson had no questions for this witness. Second witness called was General Stewart Meyer. Mr. Scanes did the direct and redirect examination. Mr. Thompson did the cross-examination. Third witness called was Mayor Roger P. "Odie" O'Dwyer. Mr. Barrett did the direct and redirect examination. Mr. Thompson did the cross and recross examination of the witness. Mayor O'Dwyer's attorneys called the City's witnesses. The first witness was Robert O'Dell, Deputy Fire Chief. Mr. Scanes did the examination. Mr. Thompson had no questions for this witness. The second witness called was Jane Lees, City Secretary. Mr. Barrett did the examination and Mr. Thompson did the cross-examination. The Mayor rested.

Mr. Thompson presented the City's rebuttal evidence. First witness called was Tim Molnes, Police Chief. Mr. Thompson did the direct examination and Mr. Barrett did the cross-examination. The second witness called was Dennis Haas, Fire Chief. Mr. Thompson did the direct examination and Mr. Barrett did the cross-examination.

Mr. Thompson and Mr. Barrett both closed the examinations of witnesses.

Closing statements for Mayor O'Dwyer were done by Mr. Barrett and Mr. Scanes. Mr. Thompson did the closing statement for the City.

Mayor Pro-Tem Reeves closed the Public Hearing.

## E. ACTION ITEMS

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| 1. Consideration and action on whether Mayor O'Dwyer violated any provision of <i>Section 2.08 Prohibitions</i> of the City of Copperas Cove Charter. |
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The City Council decided to vote individually on each of the nine charges. If an item was thought to be a violation of the Charter, a "yes" vote was given. If an item was thought to not be a violation of the Charter, a "no" vote was given.

**Charge No. One.** On or about July 24, 2006, at a meeting with Tim Molnes, Chief of Police; Dennis Haas, Fire Chief; and Steve Alexander, City Manager, directed the police and fire departments chain of command on how they were to operate with respect to interaction with the media and generated an e-mail to each emphasizing those directions. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Two.** On or about December 5, 2006, Mayor O'Dwyer generated a letter to Condoleeza Rice, Secretary of State, without council approval in which he committed the city's police department to train to the Iraqi police force members. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Three.** On or about January 25, 2007, Mayor O'Dwyer ordered the City Attorney to discontinue with his creation of a report for the City's Impact Fee Committee.

The Council dropped this charge.

**Charge No. Four.** On or about February 1, 2007, Mayor O'Dwyer directed Mike Mundell, Solid Waste Superintendent, to serve on the CTCOG Solid Waste Advisory Committee. A vote was taken with the following results:

Robert L. Reeves	No
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	No
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried four to three as not being a violation of the Charter.

**Charge No. Five.** On or about February 22, 2007, Mayor O'Dwyer sent an e-mail message to Steve Alexander directing the City Manager regarding the need for an individual to attend a county commissioners meeting with policy direction regarding the makeup of the groundwater district's board of governors. A vote was taken with the following results:

Robert L. Reeves	No
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried four to three as a violation of the Charter.

**Charge No. Six.** On or about April 10, 2007, Mayor O'Dwyer gave orders and directions to Robert O'Dell, Deputy Fire Chief, regarding the scheduled workshop pertaining to the flooding and EOC activation. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	No

Motion carried five to two as a violation of the Charter.

**Charge No. Seven.** On or about July 10, 2007, Mayor O'Dwyer gave direction to Jane Lees, City Secretary, on how he wanted appointments for the charter review committee to appear on the council agenda. On or about July 11, 2007, the Mayor provided the City Secretary with a typewritten sentence telling her how he wanted the Charter Review Committee appointments action item worded on the agenda. A vote was taken with the following results:

Robert L. Reeves	Yes
Larry D. Sheppard	No
Mark E. Peterson	Yes
Charlotte Heinze	Yes
Ray Don Clayton	Yes
Fred Harris	Yes
Frank D. Somera Jr.	Yes

Motion carried six to one as a violation of the Charter.

**Charge No. Eight.** On or about September 18, 2007, Mayor O'Dwyer directed Jane Lees, City Secretary, to collect and maintain all notes generated by City Council members while they are on the dais.

The Council dropped this charge.

**Charge No. Nine.** On or about December 11, 2007, Mayor O'Dwyer told Robert O'Dell, Deputy Fire Chief, that they needed to meet without the City Manager involved regarding homeland security and emergency management issues and told him that he, Mayor O'Dwyer, had a lot of free time and if Deputy Chief found some grants the Mayor could work on them and provide him the information and no one would have to be told who prepared them.

The Council dropped this charge.

2. Consideration and action to declare the office of the Mayor forfeited and vacated at the next regularly scheduled council meeting if the Mayor does not immediately resign. <i>This determination and action will only be considered by the Council if five (5) members of the Council determine that the Mayor has violated the Charter.</i>
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Council Member Peterson made a motion to approve agenda item E-2. Council Member Clayton seconded the motion, and with a unanimous vote, motion carried.

A complete transcript of the March 12, 2007 Special Meeting will be made a permanent part of these minutes and labeled as Exhibit A.

**F. ADJOURNMENT**

There being no further business, Mayor Pro-tem Reeves adjourned the meeting at 7:41 p.m.

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Robert L. Reeves, Mayor Pro Tem

Attest:

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Stefanie Brown, Deputy City Secretary