



CITY OF CARRIZO SPRINGS

PUBLIC NOTICE

I placed the termination of the city manager on the agenda for the September 20, 2021, city council meeting. I felt strongly about the matter, and it was not a decision that I made lightly to place the item on the agenda. I stand by that decision because I feel it was in the best interest of the City of Carrizo Springs.

First and foremost, it is important to note that state law makes the city manager the budget officer for a city with a city manager form of government like Carrizo Springs. Our city charter makes the city manager responsible for the preparation of the city budget as well.

Terry McCalpin's first day as the City of Carrizo Springs City Manager was on August 23, 2021, and as the city manager the priority was to start working on the budget immediately. To this date, the city council has not been provided with a balanced budget as required by law. We are required by law to adopt a balanced budget by September 30.

When Terry McCalpin was terminated on September 20, 2021, the proposed budget was hundreds of thousands of dollars in the red. In fact, we could not proceed with our scheduled budget workshop on September 20, 2021, because McCalpin failed to provide us with the necessary information to conduct the workshop. It was McCalpin's responsibility to prepare and present the proposed budget since the Finance Director had resigned and was no longer working for the city. As mentioned before, the overall budget is the city manager's responsibility under Texas Law and our City Charter.

Instead of working on the budget since he became city manager, McCalpin appeared to address items that were not as urgent as the budget and others that were completely unnecessary. These distractions consumed valuable staff time and resources. Most, if not all of them, were brought to my attention by concerned employees.

Several events were brought to the attention of myself and the other council members after Terry McCalpin began working for the city. These matters caused us concern as they continued to occur over the course of the past few weeks. As previously mentioned, some city employees felt it was necessary to inform us of situations that had happened. There were other events that myself and other council members experienced firsthand.

As the budget deadlines approached with no visible signs of improvement, I felt it was in the best interest of the city to terminate the city manager effective immediately.

The first thing McCalpin should have done was to immediately begin work on the budget. As everyone knows, not only is a balanced budget a legal requirement, but it also represents how the city is funded and resources are allocated. There was no time to waste when McCalpin was hired on August 23, 2021.

When he showed up to work for the city, Terry McCalpin was openly carrying a handgun in full view of city employees and the public. Some employees openly expressed concern that they felt uncomfortable about the city manager carrying a gun. City policy prohibits employees from carrying weapons on city property. After speaking with McCalpin, I was under the impression that he was to conceal carry only in compliance with the law. This was all prior to September 1, 2021, when open carry law came into effect. The city council later requested the policy be updated related to employees carrying guns at work.

Afterwards, it was brought to my attention that McCalpin directed staff to make sure the city security video cameras made audio recordings of employees and the public. This was done without notifying the public, me or the city council. Further, there was no city policy that allowed the city manager to decide to record the public without their knowledge. I believe it is the city council's responsibility to decide whether to record the public when they come to City Hall to pay their utility bills, speak with staff or conduct their business with the city.

As mentioned previously, this was entirely unnecessary under the circumstances. The budget was the priority, not recording the public's conversations when they came to City Hall.

Citizens should know if they are going to be video and audio recorded at City Hall. Citizens should be given an opportunity to address the city council before such a decision is made. At a minimum, there should be signs that make it clear that anyone's conversations at the city will be recorded. When issuing the directive to city staff, Terry McCalpin did not take any of this into consideration.

The city council denied McCalpin's request to record citizen and employee conversations without having a policy to protect the public and provide for other matters.

In violation of the city charter, McCalpin directed the city attorney to draft a letter dismissing the municipal judge. He was without any authority to do so. He had not consulted with me or the council before contacting the city attorney to dismiss the municipal judge. The municipal judge is appointed by city council and McCalpin was informed that only the city council had the authority to remove the municipal judge from his office.

Afterward, and again without consulting with me or the city council, McCalpin did not include the municipal judge's salary from the proposed budget. The city charter provides that only the council sets the salary of the municipal judge, not the city manager. The city charter also requires us to have a municipal judge, the city manager has no authority to remove the position or salary from the budget.

Again, without prioritizing the budget, and without my or the council's knowledge, McCalpin had an ordinance drafted to remove all of the speed humps in the city. He stated the city was legally liable for damages to vehicles. He failed to consult with the city attorney in making this decision.

According to the Texas Municipal League, there have been 3 times in the last 100 plus years in which a city has been held liable for obstructions in the roadway. In 1912, 1957 and 1960. None of these cases involved speed humps yet McCalpin referred to these cases in his attempt to remove all speed humps in the city.

This and prior city councils have placed speed humps in the city when requested by concerned citizens protecting their neighborhoods. We do it because we listen to the community. The truth is no court cases have been found where the city is liable for its speed humps. According to city staff, no claims have ever been filed against the city regarding speed humps in recent history.

McCalpin should not have been trying to get rid of speed humps on his own without consulting with the city council. Whether or not to have speed humps in specific locations and in the city in general is a city council decision with the citizens having an opportunity to participate.

The city council denied McCalpin's request to eliminate all speed humps in the city after finding out about it.

I next found out that without council knowledge or approval, McCalpin met with the CSCISD Superintendent and agreed to pay for one-half of the cost of the district's water leak repairs that occurred on school district property and not the city's water main lines. He also agreed to waive the district's late fees for not paying their water bills on time.

McCalpin agreed to give the district over \$16,500 in water bill credit for the repair fees incurred on the district's property major water leak and waive late fees. McCalpin then drafted an interlocal agreement with the school on his own without consulting the city attorney or notifying me or the city council. McCalpin never had the legal authority to do so. The water leak caused a loss of over 3 million gallons of water and the city did not recover any compensation from the CSCISD for that loss.

The city requires all utility customers to pay for the loss of water from water leaks that are **on** their property. Carrizo Springs citizens are not responsible for paying for water leaks or lost water that are the **not on** their property.

McCalpin also agreed to waive the school district's late fees because the school is closed during the holidays and don't always pay their utility bills on time. The city does not do this for anybody else. McCalpin should have consulted with the city council before he agreed to waive the late fees.

In fact, McCalpin, without any of us knowing, drafted the interlocal agreement with the school district agreeing to pay for over \$16,500 in water repairs and waive their late fees. Only the council can do that. He had no legal authority to make that agreement.

Without my knowledge or council approval, McCalpin contacted the city attorney to draft a letter dismissing the municipal judge. Only the council may remove the municipal judge.

Without my knowledge or council approval, McCalpin eliminated the municipal judge's position and salary from the proposed budget. The municipal judge position is required by the city charter and only the council may set the salary of the municipal judge.

Without council knowledge or approval, McCalpin said he would perform code enforcement duties. He needed to focus on the budget and his job as city manager. That's why he was hired.

These are the continuing events that occurred after McCalpin was hired.

Now we have to do his job of preparing a balanced budget. What he should have been working on all this time. It is the council's job to follow the law, adopt policy and enforce the city charter. It is the city manager's job to follow the law, council policy and the city charter. McCalpin failed to do that.

I have no doubt the city council acted in the best interest of the City of Carrizo Springs.

Oscar E. Puente, Mayor
City of Carrizo Springs