



**CITY OF BANDERA**  
**CITY COUNCIL SPECIAL MEETING**  
Best Western Conference Center , 711 Main Street, Bandera, Texas  
Wednesday, November 30, 2022 at 6:00 PM

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## MINUTES

### 1. Call to order.

The meeting was called to order at 6:00 p.m.

#### PRESENT

Mayor Suzanne Schauman  
Mayor Pro Tem Rebeca Gibson  
Councilmember Darcy Hasty  
Councilmember Toni Kunz  
Councilmember Christine Morse  
Councilmember Jerry Russe

### 2. Visitors to be Heard (shall not exceed 30 minutes total).

There were seven visitors to be heard. Six were there to speak on Marshal Will Dietrich's behalf: Scotty Kaufman, Bill Taber, Misty Dietrich, Rusty Rivet, George Hamilton and Willie Smith. The last person to speak was Ruben Rodriguez.

### 3. Consent Agenda

#### A. Approval of minutes from the September 27, 2022 special meeting, October 4, 2022 regular meeting, October 18, 2022 regular meeting, November 1, 2022 regular meeting, November 15, 2022 regular meeting, and the November 21, 2022 special meeting.

Motion made by Councilmember Russe to approve the consent agenda. Seconded by Councilmember Morse.

Voting Yea: Mayor Pro Tem Gibson, Councilmember Morse, Councilmember Russe, Councilmember Kunz, Councilmember Hasty.

Motion Passed.

### 4. Discussion and possible action on the following items:

#### A. Swearing in of newly elected City Council Members, and Mayor.

Judge Mike Towers swore in the new Mayor Rebeca Gibson, and new Councilmembers Lynn Palmer and Jeff Flowers.

#### B. Presentation of Certificates of Election to the newly elected City Council Members, and Mayor.

Judge Mike Towers presented the Certifications of Election to Mayor Gibson, Council Member Palmer and Council Member Flowers.

C. **Consideration and discussion on a process to fill the vacancy on City Council.**

Mayor Rebeca Gibson called meeting back to order at 6:26 p.m. with new members seated  
Councilmember Lynn Palmer  
Councilmember Jeff Flowers  
Councilmember Christine Morse  
Councilmember Jerry Russe

There was some discussion about having a question-and-answer period with the applicants.

Motion made by Councilmember Russe to take applications until the next meeting and then appoint at that time, which is December 6, 2022, Seconded by Councilmember Morse.

Voting Yea: Councilmember Flowers Hasty, Councilmember Palmer.

Motion Passed.

5. **Closed Session**

*The City Council will meet in closed session pursuant to Texas Government Code section 551.071, consultation with attorney and 551.074, personnel.*

**This item was recessed for closed session consultation with attorney at 6:30 p.m.**

- A. **The City Council will meet in closed session pursuant to Texas Government Code 551.071, consultation with attorney, to seek the advice of legal counsel on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter; to wit: performance audit and investigation of the Marshal's Department and any ancillary legal matters associated therewith.**

Mayor Gibson reconvened the meeting at 7:26 p.m.

- B. **The City Council will meet in closed session pursuant to Texas Government Code Section 551.074, personnel, to deliberate the employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; to wit: City Marshal Randolph William Dietrich. [The City Council will not meet in closed session for deliberation if Marshal Dietrich requests a public hearing.]**

Marshal Randolph William Dietrich requested the meeting be held in open session. Mary Heslaroad introduced herself as being retired from the Austin Police department after 25 years. She retired in 2011 and has been doing freelance internal affairs investigations since. She stated she is a fact collector, and that when she is called in, events being investigated have already transpired. Mayor Gibson asked her how she was brought into the investigation. She stated that Max Westbrook with Public Safety Solutions called her and stated he might submit her name to do an internal affairs investigation for a smaller City. She told him she did not have her PI license anymore so she would have to work under the Attorney or the City. Stated she got here on November 11, 2022, and that she didn't know anyone in this City, specifically looking at William Cox and Randolph Dietrich.

She began her report about how she does in-person interviews, emails and phone interviews, and stated that her report is 33 pages long. She let Marshal Dietrich know that there were specific allegations against him that she would be looking into specifically.

The concerns being listed are: 1) Erasing public information files stored on the City Security System and erasing the hard drive after learning that a neutral assessment had been authorized. 2) Letting a previously terminated employee back into City facilities to do training unsupervised and not authorized against the order of the City Administrator. 3) Multiple purchasing, forfeiture and seized funds. Concerns that Dietrich purchased approximately 20 Ariat work shirts from eBay and having them delivered to his home residence. 4) Not getting multiple quotes for vehicle repairs.

Allegation 1: Being insubordinate for not getting multiple bids for repairs on a city vehicle when instructed to do so by the City Administrator. She went through the email exchanges with Cox, Shelton and Dietrich and her conversation with City employees including Dietrich and the body shops in town. After the investigation, allegation 1 is sustained.

Allegation 2: Alleged that Dietrich may have used the City of Bandera credit card that is assigned to him in a manner inconsistent with organizational norms. Cox suspended Dietrich's access to the City credit card on October 21, 2022. Heslaroad went through six months of credit card history from April 2022 to the present. The main thing observed regarding the Ariat shirts was that they were coded to both code compliance and Marshal accounts. All 19 shirts were consistent with the size that Dietrich wears. He was going to give his old ones to the code compliance officer because they did not fit him anymore, and were still in good condition. According to his contract, he has an \$800.00 uniform allowance.

There was more discussion about other purchases such as cameras, wallets, drinking containers, Apple watch covers and other items. There were questions about who the Amazon account belonged to because an email was sent to the Marshals email after he was on leave saying the account had changed, because when Shelton asked, he sent an email with log-in and password indicating it did not belong to him. Dietrich did not say it was his account because Shelton did not ask that question. There were questions about the forfeiture and seizure accounts that the City Treasurer confirmed required multiple signers and there had been no irregular activity regarding these accounts. After investigations, allegation 2 is sustained.

Allegation 3: Regarding the deleted data from 2TB hard drive video surveillance system. Dietrich said the data was full and it was writing over itself. He attempted to recover and when that did not work, he reformatted the disk. Dietrich stated it was his opinion that it was up to him. After the investigation, allegation 3 is not sustained, as Heslaroad did not feel like he had any criminal intent to delete the data.

Allegation 4: Letting a previously terminated employee back into City facilities to do training, unsupervised and non-authorized against the order of the City Administrator. Heslaroad stated that when she asked about this, Dietrich started explaining why Smith had been terminated, and all the details around that situation with his employment of the city in the past. Dietrich stated that Smith offered to do the training for free since he was certified in JPX, and he had access to the building as a volunteer fireman. After the investigation, allegation 4 is sustained.

There were several other things that she discovered during her investigation that were not part of the initial investigation. There were a few questions relating to additional training given to become the Marshal or the "Chief," but Heslaroad stated it is not required for a City Marshal because most Marshals only handle civil matters. However, she could find very little training certifications in Dietrich's HR file. After much discussion Mayor Gibson called for a 10-minute recess at 9:17 p.m.

Reconvening at 9:36 p.m. Mayor Gibson asked about the process of interviewing the staff and how that worked. Heslaroad stated it was very stressful for all the employees, and that it was not an easy time for them, but they were sworn in prior to questioning and had to answer the questions by law.

Marshal Dietrich opened by reading the statement he was given when he was placed on administrative leave. Dietrich continued one allegation at a time with his defense to what he felt happened. He also discussed things that he did that were outside of his scope of work, for example, getting bids on new vehicles for other departments, getting microphones for City Council meetings and taking calls in the middle of the night. He felt like this was an assault on his career of 10 years and that he enjoyed his job and all the people that he worked with. He went on to say that his wife has not received any open records requested back from the City of Bandera and that it was disheartening, and he felt that the City could do a better job. Mayor Gibson reminded him that during an active investigation, the City cannot release any open records requests.

There were some questions on unlimited spending, in which he stated that in the first few years he used his own gun and gun belt, but because of his savings over the years, he can now buy guns and gun belts for the deputies.

Gibson stated that as a head of a department for so many years, she was just surprised that no policies have not been made or created for that department. Mayor Gibson stated that it was the previous City Administrator that led the Council to become aware of Dietrich's lack of presence at City Hall and that's when the accountability structure started.

Councilmember Palmer asked Dietrich if he would like to keep his job with the city, he replied, "very much so." Palmer stated that if that was the decision of the Council, would he be able to work with William Cox as his supervisor? Dietrich replied, "work is the operative word there, I think he and I need to sit down and have a discussion." Dietrich agreed that changes could be made in his department, and yes, he could work with Cox. Councilmember Flowers asked how long he had been the head Marshal, and if Dietrich was waiting for someone else to write or update the policies for him. Flowers stated he thinks Dietrich would need to write those policies and procedures and bring them to the Administrator for approval. Flowers stated he feels like there is a lot of deflection. There was much discussion about why certain purchases were coded incorrectly, Dietrich stated that it was a learned behavior.

The meeting was recessed for 5 minutes at 9:05 p.m. and then went into Consultation with Attorney under TGC 551.071 per the request of Councilmember Russe.

## **6. Action Following Closed Session**

### **The meeting was reconvened in open session at 11:41 p.m.**

Council Member Russe made a motion stating this City Council having sustained allegations put forth in a formal complaint from City Administrator William Cox following a personnel investigation hereby finds that sufficient facts exist to indicate Will Dietrich has engaged in behavior and activity that reflect the neglect of the duties and responsibilities of the duties of City Marshal and demonstrate general lack of confidence in him to fulfill the essential job functions of the office. Seconded by Councilmember Flowers

Council Member Russe stated the Council took this matter very seriously and put a lot of thought into this decision and realizes that it's been extremely difficult for everyone involved, and knows how it can impact someone's life in a major way.

Motion made by Councilmember Russe. Seconded by Councilmember Flowers

Voting Yea: Councilmember Morse, Councilmember Russe, Councilmember Flowers,  
Councilmember Palmer.

Motion Passed.

**7. Adjourn.**

**The meeting was adjourned at 11:44 p.m.**

/s/ Jill Shelton

Jill Shelton, *City Secretary*