

**THE FLOWER MOUND CHARTER REVIEW COMMISSION MEETING HELD ON THE 12<sup>TH</sup> DAY OF MAY 2016, AT TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:00 P.M.**

The Charter Review Commission met with the following members present:

Jody Smith	Chair
Kia Mastey	Commissioner
Robert Rawson	Commissioner
Connie Smith	Commissioner
Tim Trotter	Vice Chair
Amy Wallace	Commissioner

constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Rob Allibon	Town Attorney

**A. CALL MEETING TO ORDER**

Chair Smith called the meeting to order at 6:03 p.m.

**B. SELECTION OF VICE CHAIR**

Commissioner Connie Smith moved to elect Tim Trotter as vice chair of the Charter Review Commission. Commissioner Rawson seconded the motion.

**VOTE ON MOTION:**

**AYES: MASTEY, SMITH, RAWSON, TROTTER, WALLACE**

**NAYS: NONE**

**C. MINUTES**

1. Consider approval of April 28, 2016 Minutes

Commissioner Rawson moved to approve the minutes from the April 28, 2016 Charter Review Commission meeting. Commissioner Connie Smith seconded the motion.

**VOTE ON MOTION:**

**AYES: SMITH, RAWSON, TROTTER, WALLACE, MASTEY**

**NAYS: NONE**

**D. REVIEW ITEMS OUTLINED IN RESOLUTION NO. 08-16 (COUNCIL CHARGE):**

1. Review and discuss any provisions that conflict with state law or any of the Town's Ordinances (Item #3 in Resolution)
  - a. Eminent domain protection levels
  - b. Filing of budget with the State Comptroller – Charter Section 9.10

There was discussion by the Commission on this item as follows:

- a. Eminent domain protection levels
  - Amount of information received on the topic of eminent domain
  - Whether there is or is not a conflict with respect to state law and if there is a need to present a charter amendment recommendation
  - The amount of notice to the land owners in terms of days before something would come on an agenda and if a policy would be needed or not

Mr. Allibon pointed out that he handles many of the eminent domain matters on the municipalities they represent. He noted that the current charter provision does not conflict with state law in any way.

Mr. Allibon responded to questions from the Commission as follows:

- Procedures defined in state law with respect to notification requirements associated with eminent domain, which includes an initial offer letter and 30 days to respond to that letter, then a final offer letter be given and the property owner has an additional 14 days to respond to that before the Town could proceed with the matter. He further added that the Town has to authorize the use of eminent domain which is done through a resolution or ordinance that the Town would need to pass.
- Clarification as to how the notices are delivered to the land owner

Chair Smith summarized that the Town is following state procedures for eminent domain and there is potential interest by the Commission to propose a policy recommendation for a more enhanced notification process.

- b. Filing of budget with the State Comptroller – Charter Section 9.10

Chair Smith summarized that there is no legal requirement to file the budget with the state comptroller, and the recommendation would be to replace that text to include the filing of the budget with Tarrant County.

2. Review and discuss any provisions that would improve efficiencies and/or result in a cost savings for the Town (Item #4 in Resolution)
  - a. Publication of ordinance captions in the newspaper – Charter Section 3.07(w)

Ms. Scott noted there is currently not a requirement to publish the caption of approved ordinances that includes a fine or penalty clause. She also pointed out that these same ordinances are included in their entirety on the Town's website through [MuniCode](#), and the captions for all ordinances are included with the minutes as required by the Town Charter.

She also pointed out why the Town uses the Denton Record Chronicle for the official paper.

Ms. Scott responded to questions from the Commission regarding:

- Clarification that this change would not affect other legal publications
- Examples as to the types of ordinances this applies to
- If there is any type of index on a quarterly or yearly basis that you can track the history

Chair Smith summarized that the Commission was acceptable to bringing forward recommendations that result in improved efficiencies and cost savings for the Town.

3. Discuss options for processing charter violations (Item #5 in Resolution)

Chair Smith summarized the discussion to date and that at the last meeting there was some consensus to develop some type of process/procedure in the area of coming up with how to handle charter violations.

There was discussion by the Commission regarding:

- Interest in narrowing down the process or procedure instead of making it a blanket statement that a process needs to be created
- Examples from other cities regarding a more defined process
- Liked the option of having someone file for a specific violation
- Verbal and written warnings should be considered for some types of violations, but not all
- Favored how Council recently used a 3<sup>rd</sup> party to handle an investigation
- Liked how Richardson lined it out specifically in that a willful violation is considered official misconduct and then it addresses the next steps
- Interest in providing Council with enough latitude in that they have specific guidelines on how to proceed but they also have the flexibility, as opposed to just taking a vote to expel a member - that they perhaps have the option to censor a member (which could in essence be considered the formal warning)
- Reference to Carrollton's procedure where an initial written sworn complaint is required prior to looking into a charter violation by a councilmember, and might be a basis in which to work from
- Concerns regarding cost associated with using an outside investigator; however, recognition that it allows for an impartial review
- Like the idea of a public hearing element in the process

Mr. Allibon responded to questions from the Commission as follows:

- How best to convey to council concerns regarding charter violations
- A request for examples from other towns that have gone through a charter violation review to see how they proceeded with respect to guidelines, and did they bring in outside sources, and how did the process flow.

Chair Smith pointed out that the current situation is that it is not stipulated in the charter as to what happens when there is a violation of the charter. She summarized that the general consensus is that there be a very good definition as to what a violation of the charter is, how does it get communicated to the Council or mayor, spell out the process and any associated penalties (including things such as who would be able to initiate a grievance, public hearing component, etc.), and if there is Council action is involved, it should require a supermajority to pass.

4. Review and discuss provisions relating to term limits and consecutive terms for elected officials (Item #6 in Resolution)

Ms. Scott pointed out content in the packet relative to benchmark cities and length of terms. She also mentioned there needs to be consideration with respect to the current provision on term limits and if that should change for a member of Council that would want to run for mayor after four years, for example.

There was Commission discussion regarding:

- A longer term is a benefit to the elected official; however, it might not be for the citizenry and therefore open to review
- How the three years allows a member of Council to get past the learning curve
- The three years also allows for a political break and could make the mayor and council more productive as they are not thinking about a reelection soon after that first year
- Former council members Trotter, Smith, and Wallace (spouse of former Councilmember Mike Wallace) offered feedback relative to length of term and what a longer term would mean from an elected officials perspective
- How three years is a compromise compared to some cities having four or more years
- How the residents decide the term limits when they go to the polls
- A three year versus two year time commitment could be a factor in getting people to come forward
- Is two years an appropriate time to have influence in the community
- At large versus single member districts
- Expanding the size of Council

Ms. Scott responded to questions from Commission members or offered comments as follows:

- The financial impact relative to not having an election in a situation with three year terms.
- Logistics associated with a clock reset with respect to term limits
- Reference to a video from the last CRC on the topic of single member districts as presented by Syd Falk

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Mr. Allibon pointed out there are a few rules that apply to three year terms, such as calling an election to fill a vacancy instead of appointing someone.

- 5. Review and discuss removal of the provisions relating to the Parks, Arts, and Library Services Board (Item #7 in Resolution)

Chair Smith summarized that this item is more on the lines of clean up and there was consensus by the members to bring it forward for a future recommendation.

- 6. Identify a process for public review of proposed Charter amendments (Item #8 in Resolution)

Ms. Scott summarized that the purpose of this item is for the CRC to come up with a way to get public input as they get closer to making recommendations.

Chair Smith pointed out that based on the topics discussed to date there is most likely going to be public input. She inquired of the members with respect to any preferences.

There was Commission discussion regarding:

- Use of a committee to come up with procedures for handling charter violations

Ms. Scott responded to questions from Council regarding:

- Timing
- Past survey responses, and more specifically to on line surveys
- What can be done legally with respect to communicating to the public about Charter amendment recommendations

**E. ITEMS INITIATED BY CHARTER REVIEW COMMISSION MEMBERS**

Mr. Rawson inquired about having language in the Charter that would allow an automatic removal of language that conflict with state law.

Mr. Allibon offered a legal explanation relative to the inability to do so and how a Charter amendment election would be needed to change it.

Ms. Scott pointed out that in the past there was a Charter amendment item to address spelling corrections without addressing each Charter reference.

**F. PUBLIC PARTICIPATION**

All addresses are located in Flower Mound, unless otherwise indicated.

<b>Name</b>	<b>Address</b>	<b>Subject</b>
Sharon Gentry	2750 Bob White Ln	1. Interest in the CRC coming up with a procedure to address charter violations for the purpose of putting it in the hands of the residents and out of

		<p>the political realm</p> <p>2. Against increasing the terms to 3 years</p>
Janvier Scott	2829 Bob White Ln	Interest in making eminent domain infrequent and for public use
Paul Stone	709 Lake Bluff Dr	<p>1. Not for term limits – never have been</p> <p>2. Procedures for removal of a councilmember when there is a charter violation and the CRC should come up with the recommendation</p> <p>3. Getting public to participate (in response to a request from Chair Smith)</p>
Marsha Gavitt	6501 Meadowcrest Ln	<p>1. For eminent domain appreciated the concise explanation by the Town Attorney; would like to have proof of notification and receipt by landowners</p> <p>2. For charter violations she would like to define what an independent investigator means</p> <p>3. For term limits don't think about expense when it comes to elections – you're always learning on the job; don't like 3 year term limits</p> <p>4. Doesn't like the idea of single member districts</p>
Bryan Webb	4112 High Rd	<p>1. Thanks to those serving</p> <p>2. Pointed out that when talking about expanding the size of Council, consideration needs to be made with respect to a piece that plays into that as it relates to a supermajority and how the new number might change the dynamic of what a supermajority is</p>

**G. PUBLIC COMMENTS**

Ms. Scott noted that one email has been received and it was addressed earlier in the meeting.

**H. ADDITIONAL FUTURE AGENDA ITEMS FOR CONSIDERATION**

There were no new items brought forward for future discussion.

**I. COORDINATION OF CALENDARS**

1. Vice Chair Trotter announced that the next meeting date will be Thursday, May 26, 6pm, Public Library, Community Room, 3030 Broadmoor.
2. Consider setting future meeting dates in June:

There was consensus to use June 21 and June 30 as public hearing dates. There was some discussion about having a Saturday meeting. Mr. Rawson indicated he would not be available for the 6/30 meeting.

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There was also consensus to reserve the date of June 9<sup>th</sup> for a CRC meeting.

3. Discuss and consider providing an interim update report to Council at the June 6<sup>th</sup> regular meeting.

There was consensus that the CRC would take up the topic at the May 26<sup>th</sup> meeting for further discussion.

**J. ADJOURNMENT**

Vice Chair Trotter adjourned the meeting at 8:04 on Thursday, May 12, 2016, and all were in favor.

**TOWN OF FLOWER MOUND, TEXAS**

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**JODY SMITH, CHAIR**

**ATTEST:**

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**THERESA SCOTT, TOWN SECRETARY**