

THE FLOWER MOUND CHARTER REVIEW COMMISSION MEETING HELD ON THE 30TH DAY OF JUNE 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
Tim Trotter	Vice Chair
Kia Mastey	Member
Robert Rawson	Member
Connie Smith	Member
Amy Wallace	Member
Robert Rawson	Member (participating by telephone)

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

Theresa Scott	Town Secretary
Betsy Elam	Town Attorney

A. CALL MEETING TO ORDER

Chair Smith called the meeting to order at 6:07 p.m.

B. MINUTES

1. Consider approval of June 21, 2016, Minutes

Commissioner Mastey moved to approve the minutes from the June 21, 2016 meeting. Commissioner Smith seconded the motion.

VOTE ON THE MOTION:

AYES: TROTTER, WALLACE, MASTEY, SMITH, RAWSON

NAYS: NONE

C. REVIEW ITEMS OUTLINED IN RESOLUTION NO. 08-16 (COUNCIL CHARGE); AND REVIEW ITEMS INITIATED BY THE CHARTER REVIEW COMMISSION; AND REVIEW ITEMS INITIATED BY THE PUBLIC AND AS AGREED UPON BY THE CHARTER REVIEW COMMISSION FOR CONSIDERATION.

Chair Smith opened the public hearing at 6:14 p.m. for all items (1 – 10). She further outlined the process and options the Commission has when considering the various items.

1. Public Hearing to discuss and consider if a proposed Charter amendment or policy recommendation is needed to enhance the Town's notification process as it relates to eminent domain.

There was discussion by the Commission regarding:

- State law relative to definitions and protection levels for property owners
- How the topic is heavily weighted on one issue
- Not necessarily a need to recommend a Charter amendment as the Charter already defines it must be for public use
- Interest in considering a policy change to provide an enhanced notification process to make sure the Town is going above and beyond the effort with the property owner being notified
- How the resident was not aware of the condemnation proceedings until it was on the agenda

Ms. Scott provided comments or responded to questions from the Commission regarding:

- Clarification regarding communication between Town staff and the property owner

Commissioner Rawson moved to recommend Council consider a policy change to introduce an enhanced notification process beyond the state law requirements for any impacted property owner(s). Commissioner Smith seconded the motion.

VOTE ON MOTION:

AYES: MASTEY, SMITH, RAWSON, TROTTER

NAYS: WALLACE

2. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to create a process in which to use in the event a Charter violation should occur by the Mayor or a member of Council.

Chair Smith summarized that the public input to date has been unanimous to recommend a process.

There was in depth discussion by the Commission regarding each of the steps associated with the Carrollton model, which was modified as a result of discussions by the CRC. Much of the discussion and debate involved whether or not there should be a grace period for newly elected officials before a written complaint could be filed, public hearing versus public meeting, and potentially classifying the level of violation (minor vs. major).

There was a brief discussion about whether or not to introduce language relative to an independent investigation.

Chair Smith reopened the public hearing for this item to seek public input just for the step regarding whether there should be a grace period of time where a newly elected Councilperson could not be removed.

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Randall Wilson, 3005 Oak Meadow, and Don Shields, 3815 Cortadera Ct

Mr. Wilson and Mr. Shields indicated not being in favor of a grace period and indicated they should go by the rules from day one.

Ms. Scott provided comments or responded to questions from the Commission regarding:

- Timing for future meeting dates
- the process outlined in the packet is basically using the City of Carrollton's statutes as a model based on CRC input

Ms. Scott sought clarification as follows:

- Re-election eligibility if the mayor or a councilmember should get expelled
- Should there be a grace period from the time a member of Council takes office before a complaint can be filed

Ms. Elam responded to questions from the Commission regarding timing, and if item two is approved by the voters, whether it would be applicable for just new complaints, noting just for new complaints.

Commissioner Trotter moved to recommend Council consider a Charter amendment to address Charter violations by the Mayor or a member of Council outlined as follows:

- A written sworn complaint must be filed by a member of council and presented to the mayor; and if the complaint is made against the mayor, the complaint is presented to the Mayor Pro Tem or Deputy Mayor Pro Tem;
- A copy of the complaint would be given to the charged councilmember/mayor;
- A public hearing date would be set to hear the case & the mayor/councilmember charged would be notified to appear on that day;
- A majority of the councilmembers is sufficient to hear the case; however an affirmative vote of at least three-fourths (supermajority) of all members of the Town Council would be required to find the charged councilmember/mayor guilty of the charges contained in the complaint and find that the charges are sufficient cause for removal from office;
- The presiding officer of the Town Council shall enter a judgment removing charged councilmember and declaring the office vacant. If the councilmember is found not guilty, judgment shall be entered accordingly. Note, the Mayor Pro Tem or Deputy Mayor Pro Tem would serve as the presiding officer in the event the complaint is charged against the Mayor;
- If removed under this process, a mayor/councilmember would not be eligible for reelection to any office for two years after the date of the removal;
- In the event a vacancy occurs the rules in section 3.03.1 (Vacancies) of the Town Charter would apply.

Commissioner Rawson seconded the motion.

VOTE ON MOTION:

AYES: MASTEY, SMITH, RAWSON, TROTTER, WALLACE

NAYS: NONE

3. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to change any provisions related to term limits or consecutive terms for elected officials.

There was discussion by the Commission regarding:

- A past CRC recommendation of three year terms
- Term lengths (i.e. three years) pros and cons
- Two year term limits pros and cons

Commissioner Trotter moved to make no changes as it relates to either term limits or term lengths. Commissioner Mastey seconded the motion.

VOTE ON MOTION:

AYES: RAWSON, TROTTER, MASTEY, SMITH

NAYS: WALLACE

4. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to expand the size of Council.

There was discussion by the Commission regarding:

- The majority of public comments favored leaving things as they are
- The impact as it relates to a supermajority vote in the event of a change

Commissioner Trotter moved to make no changes as it relates to expanding the size of Council. Commissioner Mastey seconded the motion.

VOTE ON MOTION:

AYES: RAWSON TROTTER, WALLACE, MASTEY, SMITH

NAYS: NONE

5. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to change the current Council at large structure to single member districts (SMD), or any variation thereof.

There was discussion by the Commission regarding:

- The majority of public that spoke were overwhelming opposed to single member districts

Commissioner Mastey moved to make no changes as it relates to changing the structure from the current at large structure. Commissioner Smith seconded the motion.

VOTE ON MOTION:

AYES: TROTTER, MASTEY, SMITH, RAWSON

NAYS: WALLACE

6. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to change the Parks, Arts, and Library Services (PALS) Board to the Parks Board.

There was discussion by the Commission regarding:

- Background information for the proposed change, noting there are boards in place to discuss parks and trails, and another board to discuss arts and library services

Commissioner Trotter moved to recommend Council consider a Charter amendment to change the name of Parks, Arts, and Library Services to the Parks Board. Commissioner Rawson seconded the motion.

VOTE ON MOTION:

AYES: WALLACE, MASTEY, SMITH, RAWSON, TROTTER

NAYS: NONE

7. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to remove the text of "and the State Comptroller of Public Accounts at Austin" and instead add the text "and the Tarrant County Clerk's office" in Section 9.10 of the Town Charter.

Commissioner Smith moved to recommend Council consider a Charter amendment to remove the text of "and the State Comptroller of Public Accounts at Austin" and instead add "and the Tarrant County Clerk's office" from/to section 9.10 of the Town Charter. Commissioner Mastey seconded the motion.

VOTE ON MOTION:

AYES: MASTEY, SMITH, RAWSON, TROTTER, WALLACE

NAYS: NONE

8. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to remove the text of "to cause only the caption of duly enacted ordinance to be published except as provided otherwise by law" from section 3.07 (w) of the Town Charter.

Commissioner Smith moved to recommend Council consider a Charter amendment to remove the text of "to cause only the caption of duly enacted ordinances to be published except as provided otherwise by law" from section 3.07 (w) of the Town Charter. Commissioner Trotter seconded the motion.

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VOTE ON MOTION:

AYES: SMITH, RAWSON, TROTTER, WALLACE, MASTEY

NAYS: NONE

9. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to remove the two references of the word "department" from section 9.14 of the Town Charter.

Commissioner Trotter moved to recommend Council consider a Charter amendment to remove the two references of the word "department" from section 9.14 of the Town Charter. Commissioner Mastey seconded the motion.

VOTE ON MOTION:

AYES: RAWSON, TROTTER, WALLACE, MASTEY, SMITH

NAYS: NONE.

10. Public Hearing to discuss and consider if a proposed Charter amendment should be recommended to delete the portion of the text that states "If a Town employee shall announce candidacy or becomes a candidate for election to any public office, he shall immediately forfeit employment held under the Town".

Administrative note: Commission action was taken on this item at the April 28, 2016 meeting as follows:

Commissioner Trotter moved to recommend that Section 5.04 of the Town Charter be amended by deleting the portion of the text as follows: "If a Town employee shall announce candidacy or becomes a candidate for election to any public office, he shall immediately forfeit employment held under the Town". Commissioner Rawson seconded the motion.

VOTE ON THE MOTION:

AYES: MASTEY, RAWSON, SMITH, TROTTER, WALLACE

NAYS: NONE

The following individuals either spoke in support or opposition, or had questions / comments related to the items: *Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.*

F = For; A = Against; Q = Question; C = Comment

	Public Hearing Items									
	1 Emin. Dom.	2 Discipline Process	3 Term limits	4 Expand size	5 SMD	6 PALS	7 Budget filing	8 Caption to paper	9 Xfer of funds	10 Employee running for office
Dave Johnson, 3617 San Paula	A	F	F - 3 yrs	A	A					
Warner Watkins, 2800 London Way	A	F	A F-3 yrs	F	A	F	F	F	F	F

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	Public Hearing Items									
	1 Emin. Dom.	2 Discipline Process	3 Term limits	4 Expand size	5 SMD	6 PALS	7 Budget filing	8 Caption to paper	9 Xfer of funds	10 Employee running for office
Kendra Stephenson, 2321 Roadrunner	A	F	F – 3 yrs	F						
Paul Stone, 709 Lake Bluff Dr	A	F	A	A	A	F	F	F	F	F
Eddie Wynne, 4841 Rippy	F	F	A	A	A	F	F	F	F	F
Don Shields 3815 Cortadera Ct			A	F	A					
Shyron Shenko, 5001 Rippy Rd	F	?	A	F	A					
Jim Engel, 5110 Bayberry St	A	F	A	A	A	F	F	F	F	F
Don Gilmore, 5300 Kensington Ct			F - 3	F						
Randall Wilson 3005 Oak Meadow	A	A	A	A	A	F				
Summary	6-A 2-F	6-F 1-A 1-?	4-F-3 YRS 6-A	5-A 5-F	8-A					
<i>6/21 summary</i>	4-F	5-F 2A	3-F 4-A 1-C	2-F 3-A	1-F 6-A	5-F			1-Q	

Chair Smith closed the public hearing at 8:07 p.m.

Ms. Scott responded to questions from the Commission regarding:

- Timing associated with the work of the past Charter Review Commission

D. PUBLIC COMMENTS

Ms. Scott noted that the CRC received three emails since the last meeting.

Chair Smith opened the floor to the public for additional input from the audience.

Randall Wilson, 3005 Oak Meadow

Mr. Wilson indicated he had two items he would like the CRC to consider:

1. Charter amendment to require candidates who file for Town Council or Mayor be required to list their party affiliation
2. He would like the CRC recommend a Charter amendment to allow the public an opportunity to vote on whether the Town should continue or stop the practice of spending funds on area community support organizations

Don Shields, 3815 Cortadera Ct

Mr. Shields echoed Mr. Wilson’s concern regarding the use of taxpayer dollars for community support funding.

Carol Kohankie, 4312 Lauren Way

Ms. Kohankie recommended that the CRC consider an amendment to change the qualifications associated with Council members in that they are a resident for three or more years (instead of one), no criminal record, and basically the same qualifications (other than agility) that is required of police and fire for screening, and that they have voted in every local Town election consistently for at least the past three years. She also provided background information about community support funding, and the services being provided to Flower Mound residents.

Ms. Elam responded to questions from the Commission regarding:

1. the question about listing party affiliation, noting that doing so would be a violation of the state Election Code and would not be allowed
2. Legalities associated with taking up the topic of community support funding
3. Legalities associated with a residency requirement, noting Election Code does not allow it to be any more than one year

There was a brief discussion relative to the history of community support funding expenditures for the purpose of deciding whether or not it should move forward on a future CRC agenda. In summary, it was suggested that any concerns regarding these expenditures can be brought up during the budget hearings with Council.

E. COORDINATION OF CALENDARS

Chair Smith confirmed there would not be a meeting on July 6th.

Ms. Scott announced that next steps include a final report to Council on July 18th, a public hearing at the August 4th Council meeting for any recommended items (as directed by Council), and Council would call the election (if applicable), on August 15, 2016.

There was consensus by the CRC to circulate the final report via email to the Commission prior to the July 18th date.

F. ADJOURNMENT

Chair Smith adjourned the meeting at 9:52 p.m. on Thursday, June 30, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, CHAIR

ATTEST:

THERESA SCOTT, TOWN SECRETARY