

## Town Council

Via email and USPS

April 20, 2023

The Honorable Tan Parker  
Texas Senate  
P.O. Box 12068  
Austin, Texas 78711-2068  
[Trish.Robinson@senate.texas.gov](mailto:Trish.Robinson@senate.texas.gov)

The Honorable Kronda Thimesch  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910  
[Alejandro.coronel@house.texas.gov](mailto:Alejandro.coronel@house.texas.gov)

The Honorable Benjamin Bumgarner  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910  
[Kalon.melton@house.texas.gov](mailto:Kalon.melton@house.texas.gov)

The Honorable Giovanni Capriglione  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910  
[Alex.gantt@house.texas.gov](mailto:Alex.gantt@house.texas.gov)

### **Re: Concern and opposition regarding bills before the 88<sup>th</sup> Legislature of the State of Texas**

Dear Honorable Members of the Legislature:

A number of bills before the House and Senate this session – once again – strip town, cities, and counties of their authority, ultimately taking away citizens' ability to enact change.

The Town of Flower Mound has already expressed concerns regarding the erosion of local control and muting of local citizens with respect its opposition to HB 2127 (super-preemption) and would now like to express opposition to the following bills (in no particular order) and their companion bills in the Senate.

1. H.B. 14 (Harris) – Relating to third-party review of plats and property development plans, permits, and similar documents, and the inspection of an improvement related to such a document
2. H.B. 866 (Oliverson) & Companion S.B. 494 (Hughes) – Relating to approval of certain land development applications by a municipality or county
3. H.B. 2925 (A. Martinez) – Relating to applicability of the civil service system for municipal firefighters and police officers and sheriff's departments
4. H.B. 2789 (Holland) & Companion S.B. 1412 (Hughes) – Relating to regulation of accessory dwelling units by political subdivisions
5. H.B. 3921 (Goldman) & S.B. 1787 (Bettencourt) – Relating to size and density requirements for residential lots in certain municipalities; authorizing a fee
6. H.B. 1489 (Tepper) – Relating to the issuance of certificates of obligation by local governments

Flower Mound is concerned with the apparent lack of input from, and participation of, local municipalities, and professional organizations such as the Texas Chapter of the American Planning Association (TXAPA) prior to the drafting of these bills and encourages the Legislature to seek feedback from municipalities, TXAPA, and other professional organizations as these bills move forward. Specifically, TXAPA has provided feedback and substitute language for H.B. 14 and H.B. 866. Some feedback was incorporated into the committee report for H.B. 866, but other feedback was left out leaving confusion and conflicts in the bill. TXAPA offered similar feedback for H.B. 14 and was ignored. We're confident mutual agreement could be reached if the Legislature would consider the constructive feedback offered on these bills.

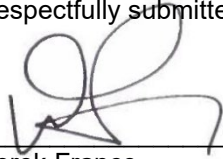
H.B. 2925 is of particular concern as it is another "one size fits all" approach. Flower Mound has standardized its recruiting, hiring, promoting, disciplining, and termination policies for firefighters and police officers to promote transparency and due process at every step. Flower Mound has accomplished the goals and intent the bill seeks to offer without undue costs to taxpayers and without increasing bureaucratic employment procedures.

H.B. 2789 and S.B. 1787 along with the companions are direct attacks on municipal zoning authority. Land use (Master Plan) and zoning regulation is a deeply involved and engaged local process. These bills strip local citizen (resident and business) engagement from that process.

H.B. 1489 effectively eliminates the use of certificates of obligation for public works projects. Responding to basic infrastructure needs will take longer and cost taxpayers more.

We, the local elected officials of the Town of Flower Mound, know that we are in the best position to fairly judge the impact of local regulations occurring within our community and are in a unique position to regulate in a manner that best protects local property values, business interests, and the public health, safety, morals, and general welfare. Citizens move to Flower Mound for its superior quality of life, and a big reason that's true is because our engaged community members work through us, their elected officials, to tailor policies to meet their needs and demands. Legislative efforts that paint all Texas cities with one brush erode our ability to make Flower Mound unique and our citizens' ability to shape our town into the place they want it to be – the best place in Texas to live, work, and play.

Respectfully submitted on behalf of the Flower Mound Town Council,



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Derek France  
Mayor

**TOWN OF FLOWER MOUND**

**RESOLUTION NO. 09-23**

**A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS OPPOSING THE CONTINUED PREEMPTION OF MUNICIPAL REGULATION AND OPPOSING HOUSE BILL 14, HOUSE BILL 866, SENATE BILL 494, HOUSE BILL 2925, HOUSE BILL 2789, SENATE BILL 1412, HOUSE BILL 3921, SENATE BILL 1787, AND HOUSE BILL 1489; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the highest priority of the Flower Mound Town Council is to preserve its ability to govern effectively and efficiently for its citizens, local businesses, and visitors; and

**WHEREAS**, the Town Council finds that legislative involvement to be a legitimate exercise of its elected duties as the governing body serving those who, live, work, visit, and own property with the Town of Flower Mound; and

**WHEREAS**, the preemption of local regulation effectively eliminates the ability of the citizens of the Town of Flower Mound to self-govern by constraining their ability to participate through their locally elected officials to tailor policies to meet their needs and demands; and

**WHEREAS**, collectively, the aforementioned codes, drafted by the state legislature without any input from, or consideration of the impact on, the municipalities and their constituencies, is further evidence of the state's continued preemption of local control being done without transparency of process or encouraging meaningful democratic participation; and

**WHEREAS**, Texas municipalities and counties have been empowered by the Texas Constitution and the Texas Legislature to promote public health, safety, morals and general welfare through the adoption of reasonable regulations; and

**WHEREAS**, the Town Council of the Town of Flower Mound further finds and determines that local elected officials are in the best position to fairly judge the impact of local regulations occurring within their own communities and are in a unique position to regulate in a manner that best protects local property values, business interests, and the public health, safety, morals and general welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

The Town Council of the Town of Flower Mound, Texas hereby opposes the adoption of House Bill 14, House Bill 866, Senate Bill 494, House Bill 2925, House Bill 2789, Senate Bill 1412, House Bill 3921, Senate Bill 1787, And House Bill 1489.

**SECTION 2**

The Town Council of the Town of Flower Mound, Texas hereby opposes legislative efforts that continue to curtail all local regulatory authority and respectfully requests that its State senators and representatives encourage the Governor, Lieutenant Governor, Senate, and House to work collaboratively with local governments transparently and in a participative manner to address issues and concerns of significant state importance in order to create mutually agreeable legislation.

**SECTION 3**

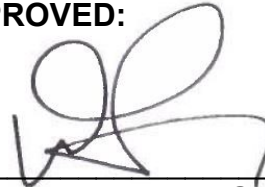
The Town Secretary is authorized and directed to furnish a certified copy of this Resolution with the attached cover letter to the elected representatives of the Town and to other members of the Texas Legislature to give notice of the Town's opposition to the aforementioned bills.

**SECTION 4**

This resolution shall take effect immediately upon its adoption by the Town Council.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THIS 20<sup>th</sup> DAY OF APRIL 2023.**

**APPROVED:**

A handwritten signature in black ink, appearing to read 'Derek France', written over a horizontal line.

**Derek France, MAYOR**

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Theresa Scott', written over a horizontal line.  
**Theresa Scott, TOWN SECRETARY**