

THE FLOWER MOUND CHARTER REVIEW COMMISSION MEETING HELD ON THE 9TH 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 Town Council met in a special meeting with the following members present:

Jody Smith	Chair
Robert Rawson	Member
Connie Smith	Member
Tim Trotter	Member
Amy Wallace	Member

with the following members absent:

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

Theresa Scott	Town Secretary
Betsy Elam	Town Attorney
Tammy Wilson	Executive Director of Finance

A. CALL MEETING TO ORDER

Chair Jody Smith called the meeting to order at 6:08 p.m.

B. MINUTES

1. Consider approval of May 26, 2016, Minutes

Commissioner Rawson moved to approve the minutes from the May 26, 2016 meeting.
Commissioner Trotter seconded the motion.

VOTE ON THE MOTION

AYES: TROTTER, WALLACE, SMITH, RAWSON

ABSENT: MASTEY

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

1. 1. Discuss and consider any provisions that would improve efficiencies and/or result in a cost savings for the Town (Item #4 in Resolution)
 - a) Charter Section 9.14 relative to changing the text from transfer of funds from the department level to the fund level

§9.14. Transfer of Appropriations.
During the fiscal year, the Town Council shall have the power to transfer funds allocated by the budget from one ~~department~~ fund to another ~~department~~ fund, and to re-

estimate revenues and expenditures. If the Town Council determines it is in the best interest of the Town to apply for and accept a private, county, state or federal grant of funds for a particular purpose, the Council's action in accepting the award of said grant and any corresponding expenditures shall constitute a budget appropriation in the amount of said grant funds.

Tammy Wilson, Executive Director of Finance

Ms. Wilson provided background information on the request and noted the change would eliminate budget amendments coming to Council for minor items if the Town Manager had the approval to transfer between departments instead of just at the division level. She also provided some examples as to how this change would be beneficial from an efficiency perspective.

Ms. Wilson responded to questions from the Commission as follows:

- If there is dollar value amount associated with this change
- Clarification that any transfers would not be between funds, but within a fund

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

There was Commission discussion on the topic regarding:

- Liked the provision from the Carrollton Charter:
 - That the specific violation be put in writing prior to any action being taken
 - Steps they take in that Council makes the decision
 - Would like to see similar in Flower Mound, but with a change to the verbiage that fits Flower Mound, and more specifically, since it is an elected position, that any trial be set up in a public hearing format, and then when it reaches to the point where a vote is necessary, it should be a majority vote
- Liked Carrollton and Richardson in that its official misconduct and you get a public hearing
- How would a public hearing be handled as it relates to any transgressions that occur in closed session, or as a result of closed session, and how would you prove that anything was done wrong without divulging confidential information
- Proposed language that could be used

Chair Smith summarized that the Commission is showing a general interest in using the Carrollton Charter as a basis for crafting language for a Flower Mound Charter amendment.

Ms. Elam responded to questions from the Commission or offered comments as follows:

- Can a Town employee be charged with a Charter violation
- Any case law examples relative to things that come out of closed session
- Some concerns with the use of the word "court" and it may not be necessary (and could potentially be changed to "public hearing")
- Would not recommend opening up the ability to bring a charge forward by employees or the citizens

Ms. Scott sought clarification relative to who would hold the ability to bring a charge forward (i.e. public, employees, or mayor/council to mayor/council). Chair Smith clarified that it would be council members to mayor and if it involved the mayor it would probably be to the mayor pro tem if the mayor is being charged against.

3. Discuss and consider provisions as it relates to elected officials as follows:

a) Term limits (allowing for a clock reset in the event a member of Council runs for the office of Mayor)

There was Commission discussion as follows:

- Leaning toward keeping the recent Charter change "as is" because it allows an individual to give a one year break, and then they can come back
- If there is a change that allows the clock to be reset if someone runs for mayor - wouldn't want that to be the reason they run (to keep their seat on Council)
- Don't like the idea of term limits at all, including the option the option of resetting the clock
- If there have been any issues or public opinion on this provision
- There hasn't been enough time to let the current provision take effect given it just started in 2013

b) Three year terms

There was Commission discussion as follows:

- The general pros and cons associated with having 3 year terms
- If you have a great councilmember they'll get reelected
- Three years can be a long time if you don't have a strong and positive council member
- If cost savings is a factor
- The risk with three year terms associated with a resignation and that if that happens in two years there would be a need for an election
- The impact is more about the mayor or councilmember not having to go through the reelection process as often

- For the length of terms and whether they are limited – if we were starting from scratch to build a Charter for the Town, would strongly support three year terms with no term limit, but there are provisions in place that are working and for the term limits it hasn't been in place long enough

c) Enlarging the size of Council

There was Commission discussion as follows:

- Background information relative the no changes in seats for several years
- Whether the Mayor should have the option to vote
- How if the mayor has the last vote in a situation of a tie you always end up with an aye or nay on the matter
- Interest level of adding two additional seats

d) Single member versus at large districts

Chair Smith provided an overview of the Town's current at large structure.

Ms. Wallace indicated there is a need for someone to represent the east side of Town so they can understand the unique set of circumstances that are existent with non HOA neighborhoods. She pointed out that if you live in a non HOA you understand that code enforcement in Flower Mound on the east side is a joke. She added that if you don't live there you don't understand it. She recommended at least 4 districts, similar to LISD, with the rest of Council serving at large.

There was Commission discussion on the topic regarding:

- The philosophy of the Town is that your representing everyone instead of potentially dividing the Town by geography
- Interest in getting feedback from the public relative to whether they are a supporter of single member districts or council at large seats
- Personal experience when campaigning and outreach efforts at that time
- There are enough divisions of thoughts that if you bring in more potential divisiveness that could be a problem more than an advantage
- A seat at large forces an elected official to look at all of the opinions of the citizens as opposed to making sure a particular district gets "a piece of the pie"
- People are already representing their neighborhood --- the issues of the neighborhood they live in are at the forefront of their mind
- Analysis of other cities and how single member versus at large is not necessarily associated with population, but more on the lines of demographics

- One of the issues facing the older non HOA neighborhoods is that homes are being turned over into rentals, and the associated problem of absentee landlords
- Concerns regarding the perception of making the town seem as its divided with the east side versus west side, and there is enough division already without adding to it – we are Flower Mound, we are one Town and we need to represent ourselves as one Town and not an “us versus them”, “east or west”, “north or south” mentality.

4. Discuss and consider removal or modification of Charter Section 8.04 regarding the Parks, Arts, and Library Services Board (Item #7 in Resolution)

There was general consensus to remove the arts and library text from the name.

D. OTHER ITEMS OUTLINED IN RESOLUTION NO. 08-16 (COUNCIL CHARGE)

Discuss and consider:

- a) Charter Section 9.10 regarding the procedure of filing the budget with the State Comptroller
- b) Charter Section 3.07(w) regarding the publication of ordinance captions in the newspaper

There was no additional discussion on the above referenced topics.

E. ITEMS INITIATED BY CHARTER REVIEW COMMISSION MEMBERS

There were no new items presented by the Charter Review Commission.

F. PUBLIC PARTICIPATION

<p>Laura Dillon</p>	<p>6013 Rock Cove</p>	<p>Ms. Dillon offered comments as follows:</p> <ul style="list-style-type: none"> • Supports no change to term limits (regardless of position) • For single member districts she pointed out communication is an issue when trying to contact non HOA neighborhoods. She gave the example of being a democratic precinct chair for precinct 3031 & the difficulty that exist in contacting those neighborhoods because there is not an HOA board that she can reach out to who can send an email to those residents. She stated being in support of a 4 district representation given the amount of non-HOA neighborhoods on the east side.
<p>Randall Wilson</p>	<p>3005 Oak Meadow Dr</p>	<p>Mr. Wilson offered comments as follows:</p> <ul style="list-style-type: none"> • His past experience as a CRC Chair and encouraged the CRC members to be cautious about communicating a firm opinion prior to getting all briefings and holding public hearings. He stated it is not time to tell the entire Town that you’ve made up your mind, otherwise, what’s the point in having a public

		<p>hearing if you've already given the impression that you've already made up your mind. He further outlined the process that boards and commission use relative to hearing briefings, asking questions, etc.</p> <ul style="list-style-type: none"> • Term limits – his preference would be to have it repealed • Adding seats – he noted it effects the supermajority, but didn't have an opinion one way or the other, and liked the idea of the mayor voting so you know how they feel about a particular issue • Terms – he was in support of keeping the two year terms and he gave a strategy example of a past council candidate who didn't spend a lot of money and won • Single member districts – he indicated not being in favor of it because it divides a community on several levels, including budget items. It pits the Town against each other. He provided a historical review of the Town prior to Bridlewood and Wellington subdivisions being built, and a specific example of an outreach to members of Council to demonstrate his point. He further added that the only person it benefits is the politicians that don't have to spend as much money to get elected for those little areas. • Public funding of charities and businesses and special interest groups (aka community support funding to non-profits) – doesn't think the Town should be taking taxpayer money from citizens and committing it to businesses and special interest groups and charities. He indicated he would be in favor of an amendment to the Charter to prohibit this use. In this way it would let the citizens of Flower Mound decide if they want to continue to fund these groups. He further added it should be private individuals who fund those groups and not taxpayers. • Public funding – there should be an amendment to the Charter to prohibit the Town staff and council from budgeting and spending money to argue for ballot initiatives.
<p>Sandeep Sharma</p>	<p>2504 Stillwater Ct</p>	<p>Mr. Sharma offered comments as follows:</p> <ul style="list-style-type: none"> • Background information on his experience serving during the last CRC • Single member districts – there are pros and cons that need to be taken into account <ul style="list-style-type: none"> ○ Pro – smaller area and can focus on that as well as balanced representation, and easier to get elected if zoned, and would have representation from the east side ○ Con – the Council can get very polarized because there could be conflicting agendas or objectives ○ The general analysis is that Town's that are 100,000 or more tend to go toward districting, which means if it's done now, we may have to do redistricting again

		<ul style="list-style-type: none"> ○ It shouldn't prevent someone to run for a particular part of the Town ○ If we don't think there is enough representation from different parts of the Town, one thing Council can do is make a good faith effort to have people from different precincts be on the boards and commissions because you would still get a voice from the various areas of Town channeling in to the Council ● 3 Year Terms – He gave background information from the last time the subject was discussed during Charter Review. He stated another option is that Council stays as is, however, the Mayor could possibility have a three year term so that person can serve like the glue when Council members are changing ● Enlarging of Council – adding one councilmember is not a bad idea because 1) it increases the probability of having more people come forward from different parts of Town that might not be represented, and 2) if you look at the averages from the benchmark cities it was 6 councilmembers and 1 mayor ● He offered his comments relative to the process
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G. PUBLIC COMMENTS

Chair Smith noted that the CRC received two emails since the last meeting, and she summarized the comments for each.

H. ADDITIONAL FUTURE AGENDA ITEMS FOR CONSIDERATION

Chair Smith brought up the request from the public related to Charter amendments as follows:

1. To prevent the Council from using taxpayer dollars toward non-profit organizations

There was a brief discussion on the topic as follows:

- Background information regarding the process associated with community support funding
- If the voters object to policies that are currently in place by their elected representatives they can make that felt in a number of ways, and ultimately electing officials that will follow policies that they are in favor of and questioning if it makes sense to hamstring future people in the Town (Council and citizens) based on what they choose to do based on perceptions here and now
- Past recollection of the vetting process that the non-profits have to go through

Chair Smith summarized that there is no interest by the CRC to bring the discussion forward for future consideration.

Ms. Scott responded to questions from the Commission as follows:

- The current amount of community support funding
 - The Town's current budget
2. Not using taxpayer dollars to support specific issues

Ms. Elam noted that state law already prohibits a municipality from spending funds for or against a measure, or for or against a candidate. She noted that Flower Mound staff has their office review any publication that is made regarding the election. The Town is permitted to have purely factual information. She also noted the ethics commission is very strict in enforcing these rules.

There was a brief discussion on the topic noting that any literature that was distributed for or against a matter usually was from private committees that use their funding.

I. COORDINATION OF CALENDARS

Chair Smith summarized the following meeting dates:

1. Next meeting date(s):

- Tuesday, June 21, 6pm, Town Hall **(Public Hearing)**
- Thursday, June 30, 6pm, Town Hall **(Public Hearing)**

Ms. Scott pointed out a revised timeline for the CRC which includes presenting a final report to Council on July 18th. She stated that the reason for the change is due to the first Council meeting being August 4th (to accommodate the budget).

After some discussion regarding setting a tentative July date, it was decided that a daytime option might work out the best. Chair Smith asked Ms. Scott to provide the CRC members with those date/time options.

J. ADJOURNMENT

Chair Smith adjourned the meeting at 8:05 pm, Thursday, June 9, 2016, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

JODY SMITH, CHAIR

ATTEST:

THERESA SCOTT, TOWN SECRETARY