

Town Council Workshop Memo

Subject: Restoring the Reading of Citizen Comments into the Public Record

Date: 6-2-2025

From: Vice Mayor Pro Tem Diana Davis

Purpose:

To recommend restoring the previous policy that allowed the Town Clerk to read citizen-submitted comments on agenda items into the public record at Town Council meetings.

Current Policy and Concerns:

The Town Council currently requires residents to be present in-person or join via Zoom to participate in meetings. Comments submitted in writing are no longer read into the record. This change presents several barriers:

- Meeting Length: Council meetings often last five hours, and residents must wait for their agenda item to be called to speak—sometimes only to have the item deferred to a later meeting.
- Limited Accessibility: Many of our residents are older and may not be comfortable with or have access to Zoom.
- Inefficiency: Zoom participation is time-consuming and often plagued by technical difficulties such as mute/unmute confusion.

Recommendation:

To improve transparency, accessibility, and efficiency, I propose we reinstate the policy allowing the Town Clerk to read written citizen comments on agenda items into the public record. These comments inform Council decisions and reflect the voice of the community. Our population deserves to be heard—especially those who cannot attend in person or navigate digital platforms.

Objective:

To ensure public participation remains a meaningful and practical part of our decision-making process.

Respectfully,
Diana Davis
Vice Mayor Pro Tem

Town Council Workshop Memo

Subject: Reaffirming the Policy-Setting Role of Town Council and Suggestion alternative Communication Strategy

Date: 6/2/2025

From: Vice Mayor Pro Tem Diana Davis

Purpose:

To reaffirm the Town Council's role as the sole policymaking body and ensure that legal guidance and administrative actions follow a transparent, council-directed process.

Background:

A recurring governance issue has emerged in which administrative staff—after consulting privately with the Town Attorney—determine litigation risk and unilaterally decide whether a council-approved policy can be implemented. This practice undermines the authority of the Town Council and bypasses the public process essential to sound municipal governance.

Recent Examples:

1. The Council work-shop voted for option 2 – keep harmony in our code for single family homes, and define the terms to something reasonable measurable that preserves the rights of new construction and the rights of existing residents. One week prior to the Town Council meeting where the Council would review the findings of staff working on option 2. We received a Town Council memo that the staff had decided to follow workshop option 3, with no harmony evaluation for single family homes. The workshop Council chosen action was now just weeks later thought to present a potential “inordinate burden,” and therefore was much of a Bert Harris Action litigation risk. [Arguably, not a Bert Harris Act Risk at all – and this is an action to pursue a different agenda than that of Town Council] We had asked for measurable reasonable criteria for harmony evaluation. Bert Harris Act passed in 1995, it is thirty years old. The current harmony code has been in place for a year and when passed this “litigation risk” was not identified. The newly identified risk is not based on new case law. There is no Bert Harris Action based on Bulk or Mass determinations that I am aware. Len Rubin represents several municipalities and has never had a Bert Harris challenge. The Bert Harris Act itself is set up with a 90-day time frame so that if a challenge is filed there is time to evaluate whether there is an inordinate burden or not. We have insurance to

address Bert Harris litigation claims. It is not clear, why staff ignored the work-shop vote option 2 and brought in workshop option 3 to be voted on.

2. The Council voted for a moratorium on commercial development. No ordinance followed. I was informed by our then Town Manager, David Dyess, that the moratorium was set aside after an informal discussion between a Council person and the Town Manager.

Proposed Process Going Forward:

1. The Town Attorney provides legal opinions directly to the Town Council—either at a public meeting or via individual phone calls. These legal opinions need to contain arguments for proceeding on various policy paths with the legal risk outlined. These legal memos should not bind the Council to a particular course of action, as every action has litigation risk.
2. The Council then holds a public meeting to discuss and weigh litigation risks of various policy actions.
3. Only after this discussion and decision by Council should staff proceed to draft and communicate any official policy implementation. As we operate under a council-manager form of government, the Mayor does not have unilateral authority—every member has an equal vote, and decisions must be made collectively and in public. Stated again, no one Council person or the Mayor has unilateral authority to amend the Council decision.

Objective:

To clarify the chain of communication, ensure transparency, and reinforce that legal counsel works for the Town Council—not staff. This structure will preserve the integrity of council decisions and public trust in our process.

Respectfully,
Diana Davis
Vice Mayor Pro Tem