

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN OF FLOWER MOUND, TEXAS, DIRECTING THE TOWN MANAGER AND TOWN ATTORNEY TO REFER THE "INVESTIGATION REPORT TOWN OF FLOWER MOUND," ISSUED MONDAY NOVEMBER 30, 2015, TO THE DENTON COUNTY DISTRICT ATTORNEY'S OFFICE; DECLARING A PUBLIC REBUKE OF COUNCILMEMBER ITAMAR GELBMAN ON THE BASIS OF THE FINDINGS SET FORTH IN THE REPORT AND MAKING ADDITIONAL FINDINGS IN SUPPORT OF SUCH REBUKE; 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 Local Government Code; and,

WHEREAS, on July 20, 2015, the Town Council authorized an investigation of the Town's elected officials (the "Investigation") pursuant to Section 3.12 of the Charter and on September 8, 2015, the Town Council approved the continuance of the Investigation; and,

WHEREAS, on November 30, 2015, the third-party investigator issued the "Investigation Report Town of Flower Mound" (the "Report"), which indicates "[p]ossible violation, prosecution recommended," in the context of allegations made by resident David Vaught against Councilmember Itamar Gelbman; and,

WHEREAS, in accordance with the recommendation of the investigator, as set forth in the Report, the Town Council finds that it is in the best interest of the public health, safety, morals and general welfare to refer the Report and the findings set forth therein, to the Denton County District Attorney's Office; and,

WHEREAS, in addition to the foregoing, the Town Council desires to express its displeasure and disappointment with Councilmember Itamar Gelbman's actions, as set forth in the Report and as further detailed below, which the Town Council finds constitute a breach of the responsibilities of the office of Councilmember of the Town of Flower Mound.

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

SECTION 1

That the Town Council of the Town of Flower Mound, Texas, hereby directs the Town Manager and Town Attorney to refer the Report to the Denton County District Attorney's Office.

SECTION 2

That the Town Council finds that Councilmember Gelbman has issued threats that if the Council publicly released the Report or took action compel Councilmember Gelbman to participate in the Investigation, he would take the following actions:

- Take steps that would be detrimental to the Town Manager's profession and livelihood; and,
- Councilmember Gelbman also threatened legal action to challenge the ability of the Town Council to exercise its right to issue a subpoena or to make the findings of the Report public (including commenting to one Councilmember, "if this moves forward I will bankrupt this *expletive* town"); and,
- Councilmember Gelbman threatened reputational harm to a resident of the Town.

The Town Council finds that these comments were witnessed at various times by the entire Council body and/or individual members of Town Council, as well as Town staff members, and in supporting this Resolution the Town Council finds these statements to be credible and confirms the validity of same.

Based on the foregoing and on the findings of fact and conclusions set forth in the Report, the Town Council hereby issues a public rebuke of Councilmember Gelbman.

SECTION 3

That this Resolution shall be effective from its date of adoption.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____, ON THIS 21ST DAY OF JANUARY, 2016.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

RESOLUTION NO. ____

PAGE 3

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY