

# Memorandum



CITY OF DALLAS

DATE October 30, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Dallas Housing Finance Corporation Agenda Notifications & Public Comment**

This memo addresses questions raised at the October 26, 2020 Housing & Homelessness Solutions Committee concerning the Dallas Housing Finance Corporation's (DHFC) policy for posting agendas and time allotment for public comment.

### *Policy for Posting Agendas*

As with all City Boards, Commissions, and Committees, the DHFC is required to adhere to the Texas Open Meetings Act (TOMA) when conducting Board of Directors meetings. Amongst other requirements, the DHFC must post its agenda no less than 72 hours prior to the time of the meeting. Per TOMA, the agenda must also be posted in a place readily available to the public at all times. The DHFC has historically posted its agendas with the City Secretary's Office (CSO) wherein the agenda was physically posted at City Hall and on the CSO's website. In addition, the DHFC has recently begun posting current and past agendas and minutes of the DHFC Board of Directors meetings on the Department of Housing and Neighborhood Revitalization's (HNR) website.

The Board of Directors meets every second Tuesday of the month at 12:00PM. This provides consistency to the public, community and Board of Directors in planning, receiving, and reviewing the meeting agenda. The DHFC's scheduled meeting time, the second Tuesday of the month at 12:00PM, is made public and posted on the CSO website as well as the HNR website. The posted agendas provide information on how the public can participate in the Board meeting. Due to COVID-19, the DHFC has conducted its Board of Directors meetings virtually via Microsoft Teams. A dial-in number is also provided for residents that may not have access to the internet to participate in the meeting.

From time to time, a meeting must be cancelled due to scheduling conflicts with other City functions such as the recent Tuesday meeting of City Council on October 13, 2020. In this event, the DHFC will post an agenda informing the public that the meeting is cancelled no less than 72 hours prior to the normally scheduled meeting. A special called meeting may also be conducted from time to time to reschedule a cancelled meeting or to approve or authorize necessary DHFC business. Any special called meeting is subject to TOMA and must be posted no less than 72 hours prior to the meeting.

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Concerns were raised that the 72-hour posting window did not provide the public with enough time to review and prepare comment. However, the 72-hour window required by law is necessary when preparing and planning the agenda of a DHFC Board of Directors meeting. The DHFC actively manages 5 properties, is in the process of constructing 3 new properties, and working to close on additional properties by the end of the year. The DHFC consistently has business items that must be attended to by the Board of Directors that are unknown to Staff and the Board of Directors within hours of the 72-hour posting deadline. Items such as Board authorization of replacement reserve draws for emergency HVAC spending, authorization of budget amendments to partnership properties, or even a briefing regarding potential security concerns may need to be added to the agenda at the last minute. While posting the agenda in advance of the 72-hour window would provide more opportunity for review, it would not be in the best interest of the DHFC to do so.

Understanding that the community would be most interested in commenting on the development of affordable housing and not its day-to-day business matters, the DHFC requires that any applicant for a bond inducement and/or partnership meet with the neighborhood associations/organizations in the area of the proposed development. Staff directs applicants to the exhaustive neighborhood association map on Planning and Urban Design's website as well as Council Liaisons and Staff to identify such neighborhood associations/organizations in the vicinity of the development site. These community meetings provide a much more interactive venue for residents to ask questions and provide their comments directly to the applicants and Staff.

#### *Time Allotment for Public Comment*

Questions were also raised over the amount of time the DHFC makes available for public comment at its Board of Directors meetings. While the October 19, 2020 special called meeting of the DHFC Board of Directors meeting limited public comment to 1 minute, the DHFC Board of Directors normally allows 3 minutes of public comment - mirroring the allowance provided by City Council. Time was limited to 1 minute on this occasion due to the fact that there were 3 applications for preliminary bond inducements and partnerships under consideration. In order to provide for ample time for Board discussion of the proposed developments, public comment time was limited to 1 minute.

The DHFC Board of Directors is made up of dedicated volunteers with full-time jobs that rely on a set meeting duration and schedule to properly plan for their service commitment. The DHFC Board of Directors welcomes public comment and typically provides 3 minutes of comment time; however, for the sake of the Board's availability and to allow for proper

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deliberation on the agenda items, it was Staff's determination (with DHFC Officer approval) to limit the public comment time to 1 minute per resident at the October 19 meeting. The DHFC fully intends to resume allowing 3 minutes of public commentary at its future meetings as was the case when there was robust community participation at the August 11, 2020 DHFC Board of Directors meeting.

Should you have questions or concerns, please contact David Noguera, Director at 214-670-3619 or david.noguera@dallascityhall.com.



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Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion  
Directors and Assistant Directors