

Dalworthington Gardens City Council Meeting
September 24, 2014

Listen Here <https://www.youtube.com/watch?v=sIN61RUenNc>

Dear Mayor Tedder and Members of the City Council – we were disappointed that there was no discussion, exchange of views, or even acknowledgment in the council meeting this week regarding the following issues and observations that were raised in the citizen-comments portion of the meeting ([minute 22:00](#) and [see attachment](#)):

- Property values in the northern portion of the city have been decimated due to the presence of XTO's natural gas plant on Pappy Elkins Lake. Recent sales in the area have been at levels 30% (or greater) below market values in place before XTO came to DWG.
- For four years, from 2010 through 2013, DWG has recorded \$665,000 of cumulative losses excluding XTO gas lease revenue. We are concerned the city is too dependent on XTO for financial viability, especially when gas flows start to taper off quickly.
- XTO's pad site is part of a flood plain and it isn't clear that proper procedures have been followed by XTO or DWG in dealing with FEMA or the Army Corps of Engineers.
- The dam upon which the XTO pad site resides has been modified substantially based upon drawings DWG has provided. We are worried that the dam may be leaking and whether XTO will accept responsibility for any repairs that may be necessary.
- DWG's accounting system has serious flaws and there are unanswered questions about how far back in time this flaw extends into our books and records and what steps have been taken to address the flaw(s).
- DWG's water and sewer operations appear to be suffering and have been unprofitable two of the last four years. Once operating costs were properly classified, it appears that the water and sewer fund lost \$50,000 in 2011, despite the sale of 15 million gallons of water to XTO at high margins.
- DWG, through counsel, states that it will not provide answers to legitimate requests from the citizenry under the provisions of the Texas Public Information Act, but rather pays counsel to write letters that are legally unsupported.

When the council had the opportunity to address these issues in open meeting, they did not. Not a single issue was spoken to. These are serious issues DWG is facing, but this council seems disinterested in them. An approach of denial or of sticking the council's heads in the sand in the hopes that these grave matters will disappear accomplishes nothing, and we believe our city needs a plan to address them.

Councilman Snodgrass

The only comments made by a council member were by Councilman Snodgrass, which can best be described as “defamation of a citizen akin to shooting the messenger” (minute 39:55). Mr. Snodgrass accused the citizen of presenting false information in the August 2014 city council meeting found here:

<http://nebula.wsimg.com/3362518181d8f3ae6c47d66d73580272?AccessKeyId=DB1BB4B430F2584C122A&disposition=0&alloworigin=1>

This ad hominem attack on one citizen is unbecoming of a member of the city council, which represents the citizenry of DWG as a whole.

No member of DWG city government has offered an explanation for the arbitrary manipulation of the financial information in the 2012 Audit Report that was revealed by this citizen in the August 2014 meeting. This citizen also sent a follow-up that specifically includes copies of the actual pages of the financial reports evidencing the manipulated numbers found here:

<http://nebula.wsimg.com/5ba6584b281cb05855981f3c96afd6b8?AccessKeyId=DB1BB4B430F2584C122A&disposition=0&alloworigin=1>

We disagree with Mr. Snodgrass’s characterization of these modified figures, the motivations that compelled individuals to change them, and DWG’s refusal to offer an explanation as “gotchas”. As an elected representative, his statements were quite extraordinary and disturbing.

Mr. Jim Jeffrey - Misrepresentation

Mayor Tedder stated that city attorney Jim Jeffrey would have the “last word” in the Citizen Comment section of the meeting (minute 25:57) after Mr. Jeffrey announced he was a citizen of DWG. Mayor Tedder admitted after the meeting that he had agreed to this arrangement with Mr. Jeffrey because Mr. Jeffrey was “upset”. This decision is particularly disturbing because Mr. Jeffrey is not a citizen of DWG but was seemingly compelled to misrepresent himself as such. Mr. Jeffrey is a service provider to DWG and a resident of Arlington. He may be a citizen of Texas, as well as a citizen of the United States of America, in the elections of both of which he can no doubt vote. But one cannot declare oneself a citizen of DWG when one resides elsewhere. He is not a DWG voter.

Mr. Jeffrey did state he owns property in DWG and we are concerned that, in his capacity of providing legal advice to the city council, he may have a conflict of interest. It would be more sensible and proper that DWG be represented by counsel who has no other economic interest at stake, does not have a lease with XTO, or any other real or perceived conflict of interest. At a minimum, we believe Mr. Jeffrey should have a professionally objective, unemotional approach to his work because his true client is the

citizenry of DWG, not the mayor, one or more members of the council, or any one individual or entity affiliated with city government.

Open Records Request

Regarding our Open Records Requests, we urge you to provide accurate and complete data and to abandon the use of our city attorney to write letters of denial. This seems like an unproductive use of our tax dollars. We are trying—and as citizens our entitled—to help develop solutions, but it is difficult to do so without the information we have requested.

Sincerely,

Pappy Elkins Restoration Group

Pappy Elkins Restoration Group
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