



**AGENDA
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
JUNE 26, 2025 AT 1:00 PM**

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1. CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor

Rob Durbin, Mayor Pro-Tem

Shane Saum, Council Member

Adam Benefield, Council Member

Norma Owen, Council Member

Paul Roberts, Council Member

Paul Prince, Council Member

2. EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to;

2A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed) pursuant to Texas Government Code Section 551.071.

2B. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Taylor Whichard, Public Works Director, and legal advice related thereto concerning pending or contemplated litigation pursuant to Texas Government Code 551.071.

2C. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Ed McRoy, Development Services Director, and legal advice related thereto concerning pending or contemplated litigation pursuant to Texas Government Code 551.071.

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2D. Consultation with Legal Counsel concerning legal questions related to conduct of Closed Meetings under Subchapters D and E of Texas Open Meetings Act (TOMA) and legal advice related thereto pursuant to Texas Government Code Section 551.071.

2E. Consultation with Legal Counsel concerning legal questions related to Turnback Ranch pursuant to Texas Government Code Section 551.071

3. ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

3A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed) pursuant to Texas Government Code Section 551.071.

3B. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Taylor Whichard, Public Works Director, and legal advice related thereto concerning pending or contemplated litigation pursuant to Texas Government Code 551.071.

3C. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 - Ed McRoy, Development Services Director, and legal advice related thereto concerning pending or contemplated litigation pursuant to Texas Government Code 551.071.

3D. Consultation with Legal Counsel concerning legal questions related to conduct of Closed Meetings under Subchapters D and E of Texas Open Meetings Act (TOMA) and legal advice related thereto pursuant to Texas Government Code Section 551.071.

3E. Consultation with Legal Counsel concerning legal questions related to Turnback Ranch pursuant to Texas Government Code Section 551.071

4. INVOCATION

Mayor Sullivan is providing the Invocation during June.

5. PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

6. CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included

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within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

7. ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

8. PRESENTATIONS

8A. Update from Northlake Hope Center on Pediatric Medical Clinic by Daphne Zuniga, Executive Director, Northlake Hope Center.

9. WORK SESSION

9A. Discussion regarding possible proposed changes to the City of Lago Vista City Charter as suggested by the Charter Review Committee, with input by City Attorney Brad Bullock, and Council Liaisons.

9B. Discuss all actions the City of Lago Vista may take regarding Tessera development and/or parkland dedications.

9C. Discussion regarding adoption of New Section 10.606 – Public Parkland Disclosure and Communication Requirements.

9D. Provide directional consensus for upcoming budget plan on Parks , and potential referral to the appropriate commission for recommendations on updates to the tree protection ordinance.

9G. Discussion regarding the Finance Sub-Committee update.

10. CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

10A.Action regarding the May 15, 2025, Regular City Council Meeting Minutes.

10B.Action regarding the CAPCOG 2026 request for \$1,122.00 from the FY2026 Lago Vista budget for the CAPCOG Clean Air Coalition.

10C.Action regarding **Resolution No. 25-2134**; a resolution by the City Council of the City of Lago Vista, Texas appointing students to serve as members on the Youth

Advisory Committee.

- 10D.Action regarding **Resolution No. 25-2135** accepting a resignation and appointing an individual to fill the resulting vacancy for an unexpired term as a member of the Board of Adjustment.
- 10E.Action regarding **Resolution No. 25-2136** - Designating an Administrative Officer in absence or disability of the City Manager in compliance with the Lago Vista City Charter.
- 10F.Action regarding **Resolution No. 25-2137** tabled at the May 15, 2025, City Council meeting which established the Development and Building Advocacy and Support Subcommittee to assist residents, builders, and developers in resolving development-related issues through Early Intervention, Council Guidance, and Collaboration with City Staff; and providing an effective date.
- 10G.Action regarding **Ordinance No. 2025-06-26-01** affirming that the City of Lago Vista is a Constitution honoring community that upholds the protections guaranteed by the United States Constitution and Bill of Rights.
- 10H.Referral to Building and Standards Commission to consider requiring BSC recommendation for ordinance amendments within its jurisdiction.
- 10I. Referral for Technical Review – Concerns Regarding Water and Wastewater Master Plan Assumptions.
- 10J.Referral to Planning & Zoning Commission - Aggrieved Person Definition and Procedural Compliance Appeals

11. ACTION ITEMS

- 11A.Discussion, consideration, and possible action surrounding the city's strategy and priorities related to reaching an agreement between itself and the Rusty Allen Airport POA.
- 11B.Discussion, consideration, and possible action on authorizing the City of Lago Vista Police Department to apply for an Office of Community-Oriented Policing Services (COPS) Hiring Program Grant for FY 2025.
- 11C.Discussion, consideration, and possible action regarding **Ordinance No. 26-06-26-02**; an ordinance of the City Council of the City of Lago Vista, Texas Pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, Providing for Amendments to Ordinance No. 24-09-19-01, Municipal Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; for the addition of capital improvement projects to the city budget.
- 11D.Discussion, consideration, and possible action regarding the need for Legal Counsel to attend all quasi-judicial Board and/or Commission meetings.

12. STAFF AND COUNCIL LIAISON REPORTS

- 12A. Routine Reports from City Staff

- 12B. Routine Reports from City Council Board/Commission/Committee Liaisons,
- Building and Standards Commission, Councilor Benefield
 - Keep Lago Vista Beautiful, Councilor Benefield
 - Lago Vista Starry Skies, Councilor Benefield
 - Planning & Zoning Commission, Mayor Pro Tem Durbin
 - Economic Development Advisory Committee, Councilor Owen
 - Lago Vista Independent School District, Councilor Owen
 - Lago Vista Property Owner's Association, Councilor Owen
 - Turnback Canyon Trail Conservancy, Councilor Owen
 - Board of Adjustment, Councilor Roberts
 - Golf Course Advisory Committee, Councilor Prince
 - Library Advisory Board, Councilor Prince
 - Parks & Recreation Advisory Committee, Councilor Prince
 - Charter Review Committee, Councilor Prince & Councilor Saum
 - Airport Advisory Board, Councilor Saum
 - Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate, Councilor Saum
 - Youth Advisory Committee, Mayor Sullivan
 - Capital Area Council of Governments, Mayor Sullivan
 - Texas Department of Transportation, Mayor Sullivan
 - Cap Metro, Mayor Sullivan

13. ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board in accordance with Government Code section 551.041 located at all times in City Hall in said City by 2:30 PM on the 19th day of June 2025.

Susie Quinn TRMC, CMC , Interim City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE

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IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Update from Northlake Hope Center on Pediatric Medical Clinic by Daphne Zuniga, Executive Director, Northlake Hope Center.

BACKGROUND: Representatives from the Northlake Hope Center, including Executive Director Daphne Zuniga, have requested to appear before Council to provide an update on the Pediatric Medical Clinic hosted at the Center. The Clinic launched in April 2025 and has since conducted three successful sessions providing medical services, nutrition education, and wellness resources to local families.

The presentation will summarize recent outcomes, community feedback, and future plans for the program.

FINDINGS: The Pediatric Medical Clinic offers preventive care and wellness education to underserved families in Lago Vista and surrounding communities. Council's engagement and visibility into the outcomes of this initiative strengthens partnerships with local service providers and aligns with broader community health goals.

FINANCIAL IMPACT: Not Applicable

RECOMMENDATION: No action required. Presentation only.

ATTACHMENTS:
[Hope Center 2025 -Presentation](#)



Hope Center Pediatric Medical Clinic

Overview

- Launched pediatric clinics in Lago Vista-April

Pediatric Clinic Highlights

- Served 25 children and families in the first 3 months.
- Services include wellness checkups, nutrition education, fresh fruit, and budget-friendly meal flyers.
- Empowering families with prevention and healthy choices.

General Medical Clinics

- Hosted three fully-booked clinics.
- Services offered include wellness exams, blood pressure & glucose screenings, health education, referrals, mental health support, and bilingual staff assistance.
- Collaboration among medical professionals, volunteers, and city leadership.

Looking Ahead

- Praying for additional providers.
 - Preparing to open the adult care side of the clinic.
 - Planning walk-in hours to increase access.
-

Year-to-Date Highlights for all Programs

Crisis Center Services

Food Distribution

- Food Donations Received: **\$22,643**
- Families Served: **260**
- Adults Served: **496**
- Children Served: **384**
- Grocery Bags Distributed: **1,112**
- Spanish-Speaking Clients Served: **87**

Financial Assistance

- Total Assistance Provided: **\$50,851.02**
(Includes rent, utilities, emergency relief, and more)

Volunteer Contribution

- Over **724 hours** dedicated by caring community members for food & financial services
-

Counseling Services

Professional Counseling

- Total Clients Seen:
- Total Counseling Hours: **370+**

Biblical Counseling Ministry

- Clients Served: **10**
- Direct Counseling Hours by Counselor: **19**
- Total Counseling Sessions per Month: **53**
- Volunteer Hours: **233**
- New Training Cohort
 - Starts Aug 7
 - Currently have **5 men and 5 women** signed up
 - 2 more interested and seeking more information

Community Engagement Update

Back2School Bash-August 2nd at Northlake

- Preparing for **300** students. We have **10 Hairstylists!** **Lions Club will be providing vision screenings** and we will have a walking taco bar again!!

Big Event-October 19th!!

- We have **21 homes to evaluate**. We would like to serve **40 homes**. Additionally, this year, we are piloting a special journey with **six families**—meeting monthly to build meaningful relationships and culminating in a surprise project and grand reveal at the Big Event.

A Night of Hope Fundraiser: Where Stars and Stories Will Shine

- Thursday, November 6th from 6:30-8:30 The Chiappe Hanger



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025


SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT: Discussion regarding possible proposed changes to the City of Lago Vista City Charter as suggested by the Charter Review Committee, with input by City Attorney Brad Bullock, and Council Liaisons.

BACKGROUND: The Charter Review Committee has been meeting for several months.

FINANCIAL IMPACT: Not Applicable

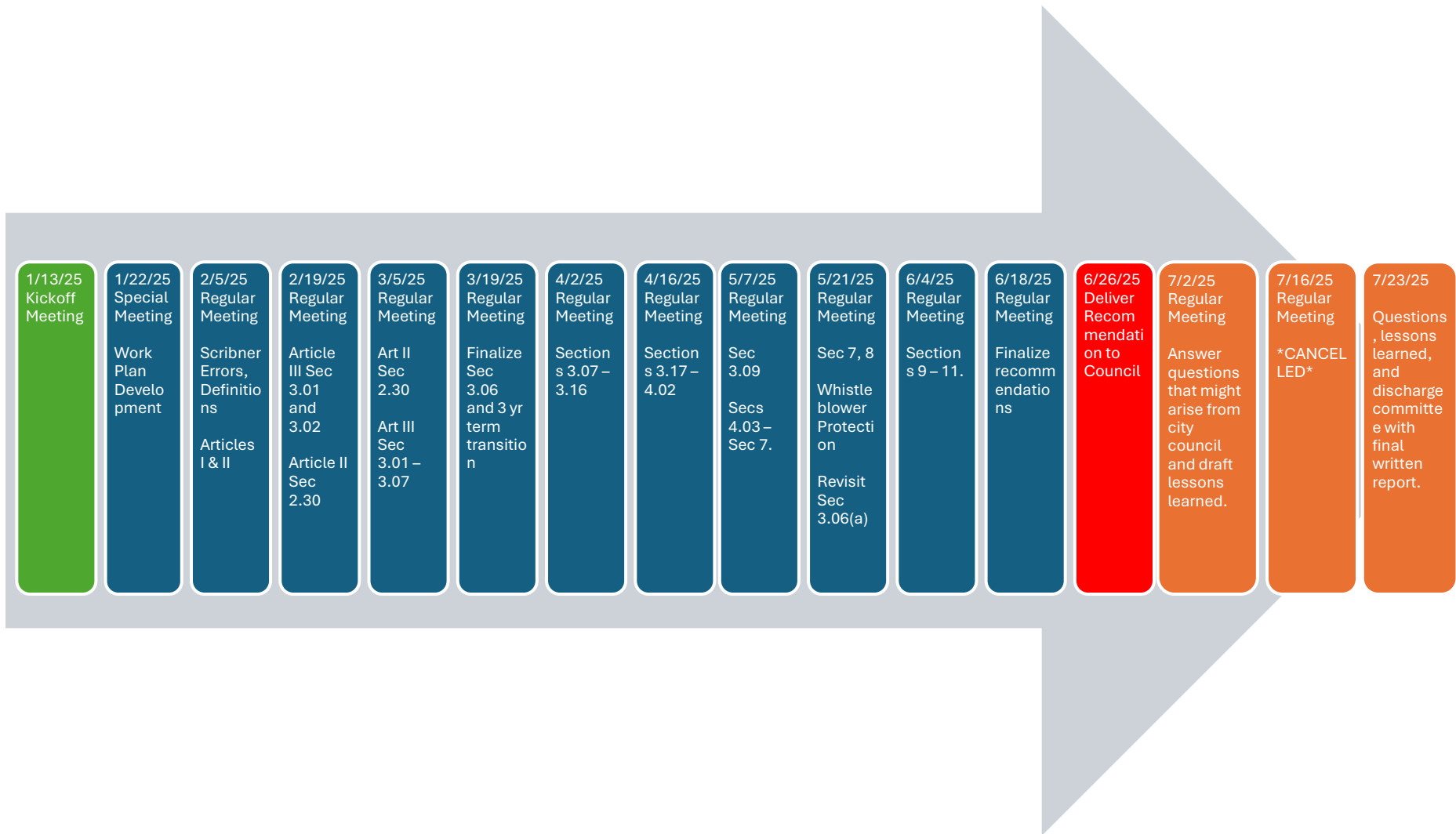
ATTACHMENTS:
[2025 Charter Review-2.pdf](#)
[2025.06.26 Final Draft for City Council v2_redlined.pdf](#)
[2025.06.26 Final Draft for City Council v2_No Markup.pdf](#)
[Nonsubstantive Changes to Charter FINAL tfp 06-26-2025 v2.pdf](#)
[2025.06.04 Charter Review Committee Minutes v2 sans citizenportal links.pdf](#)
[2025.06.18 Charter Review Committee Minutes.pdf](#)
[Transmittal Report.docx](#)



2025 Charter Review 6/19/2025



Timeline of Activities



Recommendations

#	Section	Date	Recommendation Description	Detail Slide
1	1.04(b)	2/5/2025	Reviewed dis-annexation feedback and criteria and recommend no changes.	
2	2.03	3/5/2025	Considered restricting city Eminent Domain powers and ultimately concluded contemplated property rights are already provided per the Texas Constitution.	
3	3.01/6.11	3/5/2025	Recommend Revising Section 3.01 to extend Mayor and council terms to 3 years and requiring a majority vote to win elections. This would also require updating Section 6.11 to reference 3 year terms.	Slide 7-9
4	3.01	3/19/2025	Recommend in conjunction with 3 years terms, transition plan to have council places staggered 2 per election over 3 election cycles by adding Exhibit 2025-01	Slide 7-9
5	3.06	3/19/2025	Recommend retitling and replacing Sec 3.06 entirely to clarify Mayor and council member roles.	Slide 10
6	3.01	3/19/2025	Considered recommendation for term limits and committee recommends rejecting as it could be awkward to have term extension and term limits on the same ballot; Council should consider term limits for a future ballot if term extension is approved.	
7	3.06	4/2/2025	The committee recommends not amending the Charter include a "duty to report" Charter or Ethics Policy violations in Section 3.06.	
8	3.08	4/2/2025	<p>Incorporate Ms. Pitts' non substantive edits revisions, to require a vote of five (5) Council Members to remove a Council Member, and to add the following lessor penalties by editing the sentence:</p> <p><i>The decision of the Council shall be final and binding. If the Council determines that a violation has occurred, but removal from office is not warranted, with a majority vote of four (4) members, the Council may, in the discretion of the Council, include a lesser penalty of censure, suspension of up to thirty (30) days, and/or loss of voting rights at city council meetings for up to ninety (90) days.</i></p> <p>Further, the committe recomends adding "to present evidence" to this sentence:</p> <p><i>The Council Member complained against shall have the right to representation at the hearing, to present evidence, and to question and cross-examine all witnesses but may not vote on the question of removal.</i></p>	Slide 11

Recommendations pg. 2

#	Section	Date	Recommendation Description	Detail Slide
9	3.09	5/7/2025	The committee recommends complete revising section 3.09 to allow voters to choose replacement council members when there are vacancies in certain circumstances.	Slide 12
10	3.11	4/2/2025	The committee recommends revising of Section 3.11 by deleting the sentence, “Special Called Meetings shall be held as determined by the Council or called by the Mayor.” as duplicitous with the recommended revisions to Section 3.06 regarding Special Called Meetings.	
11	3.12	4/2/2025	The committee recommends revising of Section 3.12 by accepting the non substantive edits, by deleting the phrase “provided that less than a quorum may adjourn any meeting or canvass an election,” and moving a new sentence, “Notwithstanding the foregoing, less than a quorum may adjourn any meeting or Canvass an Election.” to the end of the paragraph improve clarity of the section.	
12	3.16 & 3.06	4/2/2025	The committee recommends revising of Section 3.16 by deleting the phrase “or, in the absence of the Mayor”, by adding a comma prior to “and the City Secretary,” and by further revising the prior recommended 3.06 (j) edits to include “Mayor or Mayor Pro-Tem will sign...”	
13	3.17	4/16/2025	The committee does not recommend any revisions to Section 3.17 other than noted Scrivner’s corrections, however, the committee does recommend to add the term “Official Notice” to the proposed definitions list in recommended to be added to Section A.	
14	4.01	4/16/2025	The committee recommends deleting sentences from the 4 th paragraph of Section 4.01, starting with “Except” on line 641 of the packet draft through line 645, ending with “Charter,” as duplicitive with the directive in Section 3.23 and recommended revisions to 3.06.	Slide 13
15	5.04	5/7/2025	The committee recommends changing to require officeholders receive a majority vote rather than simply a plurality, and implement runoffs if required.	Slide 14
16	6.01	5/7/2025	The committee does not recommend lowering the petition threshold from 10% to 5%.	
17	6.02	5/7/2025	The committee does not recommend lowering the petition threshold from 15% to 5%; however, the committee does recommend lowering the threshold from 15% to 10%.	Slide 15
18	6.08	5/7/2025	The committee, recommends reducing the petition threshold for forcing a recall process from 10% to 5% particularly considering the recommendation for three-year terms.	Slide 16

Recommendations pg. 3

#	Section	Date	Recommendation Description	Detail Slide
19	3.06 (a)	5/21/2025	The committee recommends further amending recommendation #5 to provide unrestricted access to city employees by city council members.	Slide 17
20	Add 7.05	5/21/2025	The committee recommends adding Section 7.05 to Charter as follows: Section 7.05 Building and Standards Commission. A Building and Standards Commission is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.	Slide 18
21	Add 11.09	5/21/2025	Add Whistleblower Protections for city employees in addition to protections in Tx Government Code Sec 554.	Slide 19
22	8.02	5/21/2025	Add language to Sec 8.02 to clarify City Council's Role in Budget Preparation	Slide 20
23	11.03	6/4/2025	The committee recommends striking the phrase "by microfilm or other photographic process" from the last sentence in Section 11.03, if the revision can be considered in the list of "non substantive" edits. Note, the CRC subsequently learned the city attorney would consider this a substantive change so this recommendation may be disregarded.	
24	11.05	6/4/2025	The committee recommends adding the following as a second paragraph in Section 11.15 to provide guidance in interpreting conflicts within the Charter: <i>"In the event of a conflict or ambiguity between provisions of this Charter, such provisions shall be construed in a manner that most effectively upholds the principles of transparency, accountability, and the individual rights of Council members as set forth in this Charter."</i>	
25	11.06	6/18/2025	The committee recommends updating the charter to allow for gifts permissible by state law and the city's Ethics Policy. Currently the Charter prohibits gifts but the Ethics Policy allows them limited to \$50.	Slide 21

Recommendations pg. 4

#	Section	Date	Recommendation Description	Detail Slide
26	11.17	6/18/2025	The committee viewed 11.17 as redundant and confusing as it could be read as asserting city authority over other governmental units, however voted to accept the City Attorney's recommendation to not substantively revise.	
27		6/18/2025	The committee recommends adding definitions to section A and other non-substantive edits throughout the entire document for consistency in use of terms, capitization of terms, and standarization of terms.	Separate Handout
28		6/18/2025	If term extensions are approved by the voters in 2025, the committee formally recommends the 2027 City Council consider placing a charter amendment for term limits on the 2027 ballot.	
29		6/18/2025	The committee recommends, upon completion of final charter edits and pagination after the 2025 election, a table of contents already approved by the voters in 2018 be added to the charter.	Slide 22

Recommendation #3&4: Extend council terms to 3 years, staggered 2-2-2

Article III / Section 3.01

The committee recommends revising the Charter to extend terms of elected officers to 3 years, which by law will require revising the charter to provide for election by majority rather than plurality. This:

Provides a “learning curve” for new council members to develop expertise,

Enhances continuity in policy, and

Allows council members to have two years focused service without re-election consideration every other year.

In addition, the committee voted to adopt a transition process that spreads the six council places across the three year expanded terms such 2 places are staggered each year with a 2-2-2 cadence rather than the 3-3-0 cadence produced by simply expanding terms. This,

Maintains and smooths the staggered terms to a consistent, overlapping cadence.

Reduces elections from 3 places to 2, minimizing the likelihood of uncontested races.

Section 3.01 will be deleted and replaced with new section 3.01, and Exhibit 2025-01 added to the charter.

ARTICLE III - THE CITY COUNCIL

Section 3.01 Number, Selection, and Term of Office. The ~~City~~ Council shall be the legislative and governing body of the City and have control of all the City finances, property, functions, services, affairs and programs subject only to the terms and provisions of this Charter. The ~~City~~ Council shall consist of a Mayor and six (6) Council Members. When used in this Charter or any other City document, "~~Councilperson~~", "~~Councilmember~~" or "~~Council Member~~" includes the Mayor unless the context indicates otherwise.

The Mayor shall be elected from the City at ~~L~~large. The Council Members shall be elected from the City at ~~L~~large, by Place. Each seat on the Council, except for the position of Mayor, will be numbered, and the place numbers shall be Place 1 through Place 6. The Council Member occupying a particular seat will be identified by the Place number assigned to that ~~C~~council seat. ~~The Mayor and the three Council Members occupying places 1, 3, & 5 shall be elected in odd numbered years and the three Council Members occupying Places 2, 4, & 6, shall be elected in even numbered years.~~ The candidate who receives a ~~majority~~^s the largest number of votes for a particular office shall be declared elected for that office. Elections shall be held in the manner provided in Article V of this Charter.

The ~~terms of office for the Mayor and all Council m~~Members shall be ~~two (2)~~three (3) years. Office terms shall commence at the first regular Council meeting after a ~~M~~member of the Council has been declared elected. The Council shall, at the first regular ~~C~~ity Council meeting following the taking of office of all new ~~M~~members after each scheduled ~~G~~eneral City ~~E~~lection, elect from among its membership a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights and duties conferred upon the Mayor.

In the first three elections following adoption of three (3) year terms, offices will be elected following the process attached as Exhibit 2025-01.

Recommendation #3 & 4: Extend council terms to 3 years, staggered 2-2-2

Article III / Section 3.01 Exhibit 2025-01

Page 2

Exhibit 2025 – 01

Transition Process for staggering three (3) year terms adopted in 2025 applicable to 2026, 2027, and 2028 elections.

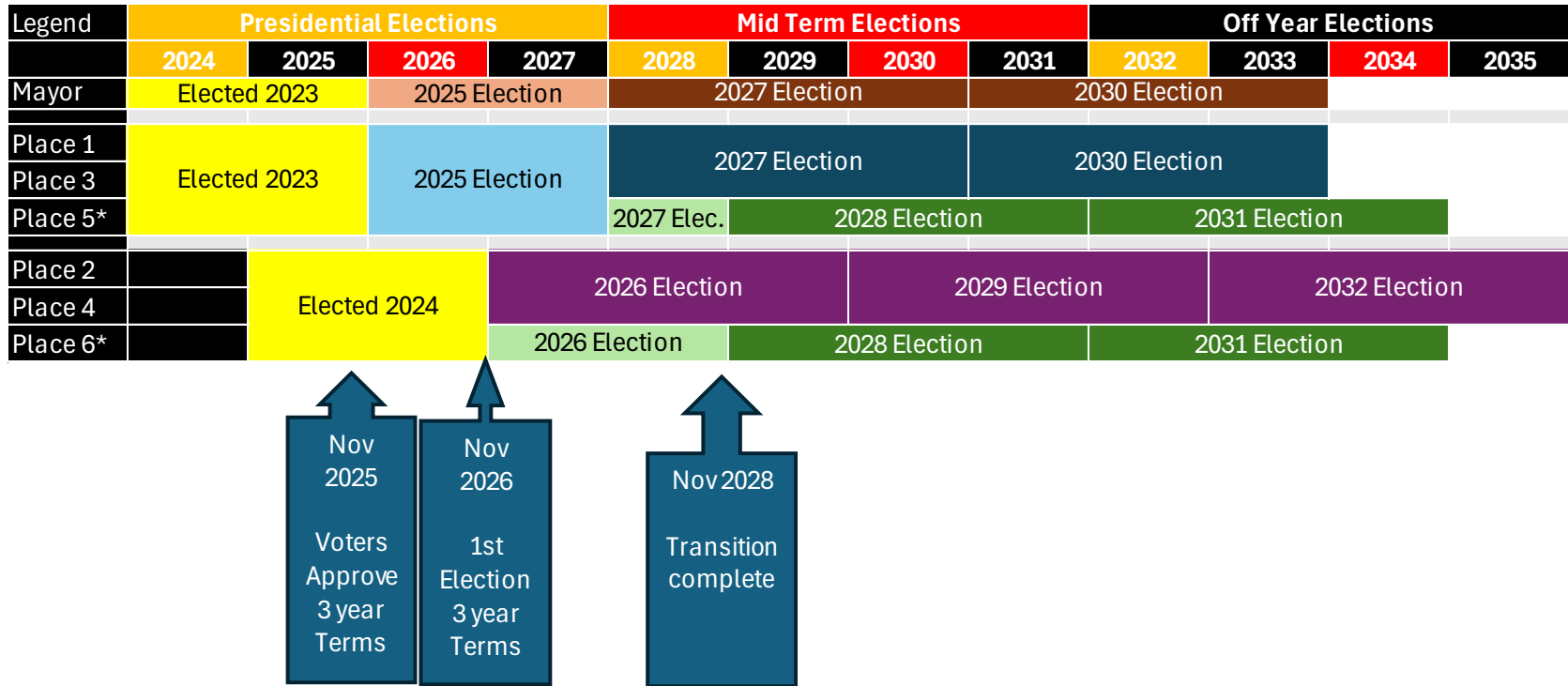
In the first three elections following adoption of three (3) year terms, offices will be elected following the process as follows:

- In the first Election [2026] after adopting three (3) year terms, Places 2, 4 and 6 will be up for election. Two (2) Places will be elected to serve three (3) years, and one (1) Place (“Short Term”) will serve a one-time two (2) year term to set up a staggered cycle.
- In the second Election [2027] after adopting three (3) year terms, the Mayor and Places 1, 3 and 5 will be up for election. The Mayor and two (2) Places will be elected to serve three (3) years, and one (1) Place (“Short Term”) will serve a one-time one (1) year term to set up a staggered cycle.
- In the third Election [2028] after adopting three (3) year terms, the two (2) “short terms” from the prior two (2) elections will be elected to serve three (3) years, completing the transition to staggered three (3) year terms.
- All subsequent elections will be for three (3) year terms for the Mayor and Council Members, with two (2) places elected each year, and the Mayor elected every third election.

The transitional “short terms” will be determined as follows:

- If there is a single uncontested race, the uncontested race is the “short term”.
- If there are no uncontested races, or multiple uncontested races in 2026 and 2027, the winning candidate with the lowest vote total receives the short term.

Illustrated Transition to Three Year Terms 2-2-2



*Note: Places 5 and 6 are shown as short transition terms for illustration only. The actual short term places could be decided several ways:

The transition “short terms” will be determined individually, or in combination by:

- If there is a single uncontested race, the uncontested race is the short term.
- If there are no uncontested races, or multiple uncontested races in 2026 and 2027, the winning candidate with the lowest vote total receives the short term.

Other possible options council may consider:

- Defining Specific Places to be short terms and allow candidates to self-select running for a short term.
- Winning candidates in 2026 and 2027 draw straws or coin toss for the short term.

Recommendation #5: Revise Section 3.06 to clarify Mayor and Council Member Rules

Article III / Section 3.06

The committee recommends revising Section 3.06 of the Charter to clarify rules for the Mayor and Council Members. Currently 3.06 pertains to the Mayor, and there is no corresponding section for Council Members. The Mayor is a co-equal member of the city council, with a few specific and ceremonial duties.

“Section 3.06 Mayor” will be deleted and replaced with new “Section 3.06 Council Members” and Sections 3.23 and 4.01 will be amended to align with the new Section 3.06.

See also Recommendation 19, further amending Section 3.06 (a).

Section 3.06 ~~Mayor~~Council Members:

- a. ~~The Mayor and Council Members may meet with and obtain information from the City Manager, City Attorney, City Secretary and any city employee who directly reports to the City Manager;~~
- b. ~~The Mayor and Council members may consult with and advise the City Manager, City Attorney, City Secretary and any city employee who directly reports to the City Manager with respect to any city business or issue;~~
- c. ~~The Mayor and Council Members may recommend appointees for City boards and commissions;~~
- a.d. ~~The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law;~~
- b.e. ~~The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government;~~
- e.f. ~~The Mayor may call Special Called Meetings of the Council and any board or commission and set the agenda therefore. The Mayor will call Special Called Meetings within 30 calendar days upon the request of three (3) or more Council Members;~~
- d.g. ~~The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto;~~
- e. ~~The Mayor may meet with and obtain information from the City Manager;~~
- f. ~~The Mayor may consult with and advise the City Manager with respect to any city business or issue;~~
- g.h. ~~The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted and will be placed on a Regular or Special Called Meeting agenda within 30 calendar days;~~
- h.i. ~~The Mayor shall have signature authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the Council; and~~
- i. ~~The Mayor shall will sign all approved Ordinances and Resolutions; and,~~
- j. ~~The Mayor may recommend appointees for City boards and commissions.~~

The Mayor, in time of declared emergency, may govern the City by proclamation and direct the City Manager so as to maintain order and enforce all laws. The Mayor shall have such

Recommendation #8: Revise Section 3.08 regarding removal from office

Article III / Section 3.08

The committee recommends revising Section 3.08 of the Charter to adopt non substantive edits, require super majority vote of 5 council members to remove from office, and add lesser penalties upon vote of 4 council members. Further the committee recommends 3.08 be revised to include “to present evidence” as a right of the accused at hearings.

If the Council Member complained against does not resign, the remaining ~~M~~members of the City Council shall conduct a hearing in ~~an~~ Executive Session to take evidence on the complaint, unless a written request to conduct the meeting in public is made by the ~~M~~member complained against. The ~~Council M~~member complained against shall have a right to representation at the hearing to present evidence, and to question and cross-examine all witnesses but may not vote on the question of removal. The Council may schedule and reschedule any such hearing for any reason, including convenience, to enable attendance by all Members of the Council. Based on the evidence presented at the hearing, the ~~City~~ Council shall, in a Regular or Special Called Meeting~~public session~~, make a decision whether the ~~Council M~~member should be removed from office and issue an Order setting out its decision. If it determines by a super majority vote of four (4) five (5) Council Mmembers that removal is warranted, it shall declare a vacancy to be filled no sooner than the next Regular Mmeeting in accordance with Section 3.09. ~~The Council may schedule and reschedule any such hearing for any reason, including convenience to enable attendance by all members of the council.~~

The decision of the Council shall be final and binding. If the Council determines that a violation has occurred, but removal from office is not warranted, with a majority vote of four (4) members, the Council may, in the discretion of the Council, include a lesser penalty of censure, suspension of up to thirty (30) days, and/or loss of voting rights at city council meetings for up to ninety (90) days.

~~The decision of the City Council shall be final and binding so long as it is made in good faith and, may in the discretion of the Council, include a lesser penalty of censure and/or _____ a fine as provided in the Ethics Ordinance.~~

Recommendation 9: Revise Section 3.09 to allow voters to choose fill council vacancies

The committee recommends that council vacancies be permanently filled by election by the voters rather than by appointment, particularly with the recommendation to extend terms to three years, by replacing section 3.09 with this revision:

Section 3.09 Filling Vacancies.

Within thirty (30) days of declaring a Council vacancy, or vacancies, the remaining Members of Council shall make appointment by majority vote to fill such vacancy. An appointment to fill a vacancy will be valid until the next general election or an earlier uniform election date. If the next scheduled election is more than 180 days in the future, a Special Election will be called within thirty (30) days of the vacancy to fill said vacancy.

If no qualified candidate(s) files an application for any Special or General Election to fill the vacancy, the Council shall appoint a qualified person(s) to fill the vacancy until the next General Election.

If at any time there are no Members of the Council able to serve, or if a quorum of the Council is not able to serve, the remaining Council Members will appoint the Chairpersons of the Planning and Zoning Commission and the Board of Adjustment, as temporary Council Members to conduct city business that is deemed urgent and unable to postpone until a Special Election can be called. If necessary, the above individuals will appoint any standing City Committee, Commission, or Board Chairpersons, as temporary Council Members until a temporary Council of five (5) members is formed. The temporary Council will immediately call a Special Election to fill the Council vacancies filed by appointees

Recommendation #14: Revise Section 4.01 to align with recommendations for 3.06 and redundancy with 3.23.

Article IV / Section 4.01

The committee voted to recommend deleting sentences from the 4th paragraph of Section 4.01, starting with “Except” on line 641 of the packet draft through line 645, ending with “Charter,” as duplicative with the directive in Section 3.23 and recommended revisions to 3.06.

The Council, except as provided for in Section 3.06 of this Charter, shall direct and supervise the City Manager only by majority vote. ~~Except for the purposes of inquiries and investigations under this Charter, the Council or its Members shall deal with employees who are subject to the supervision of the City Manager solely through the City Manager. Neither the Council nor its Members shall give orders to or in any way exercise the influence of their office on such Officer or employee, either publicly or privately, except as otherwise provided in this Charter.~~

Recommendation #15: Revise Section 5.04 to require election by majority vote.

Article V / Section 5.04

The committee previously recommended extending terms to three years, which if approved, would, by state law, require elections by majority and Section 5.04 was revised in tandem with extending terms to three years.

Going further, should the term extension recommendation fail to have council or voter support, the committee's unanimous sentiment is Section 5.04 should be revised as a standalone recommendation to provide that office holders must receive a majority vote to be seated and provide for run off elections if required. This ensures that ultimately officeholders have a majority support of the voters, which may not be the case with a plurality.

Section 5.04 Election. Candidates for the Council shall file for a ~~specific office~~, designated by Place number or Mayor, and the Mayor and the Council Member for each Place shall be elected by ~~plurality~~ majority vote. In the event no candidate for an office receives a ~~plurality~~ majority of the votes cast for that office in the ~~G~~general or ~~S~~special ~~E~~election, the Council shall, upon completion of the official ~~C~~eanvass, order a ~~R~~run-~~O~~off ~~E~~election among the ~~two~~ (2) candidates who ~~received~~ tied for the highest number of votes. The ~~R~~run-~~O~~off ~~E~~election shall be held on the third Saturday following the ~~C~~eanvass of the vote in the ~~G~~general or ~~S~~special ~~E~~election.

Recommendation #17: Lowering the petition threshold in 6.02 from 15% to 10%.

Article VI / Section 6.02

The committee does not recommend lowering the petition threshold in Sec 6.01 or 6.02 to 5% but does recommend lowering from 15% to 10% in Sec 6.02 to be consistent with voter initiative thresholds in other Charter sections.

Section 6.02 Power of Referendum. The ~~people~~Residents reserve the power to approve or reject at the polls any legislation enacted by the Council which is a proper subject for the initiative process under this Charter, except for the limitations specified in this Article and in Section 8.10. An Emergency ~~O~~rdinance enacted for the immediate preservation of the public peace, health or safety is not subject to Referendum if it contains a statement declaring a specific emergency and the requirement for immediate and urgent action. Referendum Petitions shall be signed by qualified-registered voters of the City equal in number to at least ~~tenfifteen~~ (10~~5~~) percent of the number of registered voters who resided in the City on the date of the last General City Election. When such a Petition has been certified as sufficient by the City Secretary, the Council shall proceed in accordance with the requirements of this Article.

Recommendation #18: Lowering the petition threshold in 6.08 from 10% to 5%.

Article VI / Section 6.08

The committee, recognizing the importance of the voice of the voter in holding officeholders accountable, recommends reducing the petition threshold for forcing a recall process from 10% to 5% particularly considering the recommendation for three-year terms.

Section 6.08 Power of Recall. The ~~people~~Residents of the City reserve the power to recall the Mayor or any other ~~M~~member of the Council and may exercise such power by filing with the City Secretary a valid Recall ~~P~~petition demanding the removal of the Mayor or a Council Member(s). Such ~~P~~petition shall be signed by qualified registered voters of the City equal in number to at least ~~five ten (105)~~ percent of the number of registered voters who resided in the City at the time of the last ~~G~~general ~~C~~city ~~E~~election. The ~~P~~petition shall be signed and verified as required by Section 6.12 and shall contain a specific statement of the grounds for which the removal is sought. One of the signers of each ~~P~~petition shall make an affidavit that the statements therein made are true. A separate ~~P~~petition is required for each elected official to be ~~R~~recalled. The ~~R~~recall ~~P~~petition process shall begin with the filing of a written notice of intent with the City Secretary. This notice shall be signed by five (5) qualified registered voters of the City and shall state the name of the elected official to be ~~R~~recalled. The filing date of this notice shall be the formal beginning of the ~~R~~recall process. All ~~P~~petition signatures shall be collected and the ~~P~~petition filed with the City Secretary in accordance with the requirements specified in Section 6.12.

(Rev. November 2, 2021)

Recommendation #19: Further revise Section 3.06 to provide unrestricted access to city employees by council members

Article III / Section 3.06 (a)

The CRC reconsidered recommendation #5 amending Section 3.06 (a), regarding city council members' and city staff's interactions and discussed further loosening of restrictions on city council members to directly engage city staff to obtain information to inform decisions on city operations.

Interim City Secretary Quinn spoke during citizen comments on behalf of herself and other city employees advocating that city council members should not have unrestricted access to every city employee but should work through the City Manager or department heads.

The CRC voted to recommend further amending Section 3.06 (a) to allow council members unrestricted access to city employees.

Section 3.06 Council Members

- a. The Mayor and Council Members shall have the unrestricted right to meet with and obtain information from the City Manager, City Attorney, City Secretary and any Ceity employee deemed necessary to make informed decisions regarding city business.
- b. The Mayor and Council members may consult with and advise the City Manager, City Attorney, City Secretary and any Ceity employee who directly reports to the City Manager with respect to any Ceity business or issue;
- c. The Mayor and Council Members may recommend appointees for City boards and commissions.
- d. The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law;
- e. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government;
- f. The Mayor may call Special Called Meetings of the Council and any board or commission and set the agenda therefore. The Mayor will call Special Called Meetings within 30 calendar days upon the request of three (3) or more Council Members;
- g. The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto;
- h. The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted and will be placed on a Regular or Special Called Meeting agenda within 30 calendar days;
- i. The Mayor shall have signature authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the Council; and
- j. The Mayor or Mayor Pro-Tem will sign all approved Ordinances and Resolutions.

Recommendation #20: Clarifying the status of BSC

Article VII / Section 7.05

The committee discussed the BSC is not specifically cited as a quasi-judicial body in Section 7 of the charter as are P&Z and BOA. The committee questioned whether BSC should be considered advisory only. The city attorney advised BSC has quasi-judicial authority derived from Sec.54.036 of the Local Government Code. However, attorneys noted that the Lago Vista ordinances are unusual in that a decision by BSC is appealable to the City Council, which may conflict with state law. In addition, the CA cited 6 duties of Lago Vista's BSC that go beyond traditional duties and stated "Ultimately, the charter probably needs to be amended to clarify this. But one could argue that these are board of adjustment-like functions given to the BSC so it does not violate the charter."

Given the ambiguity and the CRC's lack of clarity of what, if anything needs to be addressed, the CRC felt this should be called out in a recommendation by adding a Section 7.05 and allow council to work with the city attorney on a final recommendation if a ballot measure is warranted.

Section 7.05 Building and Standards Commission. A Building and Standards Commission is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.

Recommendation #21: Adding Whistleblower Protections for city employees

Article XI / Section 11.19

The CRC recognizes that while State law provides Whistleblower protection and prevents retaliation for city employees that report, in good faith, violations of law (Sec 554.002 Texas Government Code Title 5, Chapter 554), the CRC recommends extending this protection to reporting of ethical and/or operational concerns by adding a Section 11.19 to the charter.

Section 11.19 – Whistleblower Protection – *In addition to protections in Chapter 554 of the Texas Government Code, City employees shall have the right to communicate with any elected official without fear of reprisal. This includes raising concerns regarding policy, operations, or employment matters. Any retaliation against employees for exercising this right is prohibited.*

Recommendation #22: Clarifying City Council's Role in Budget Preparation

Article VIII / Section 8.02

The CRC discussed feedback that the role of city council in the budget process is not well defined and reviewed language regarding budget oversight in the National Civic League's Model City Charter (MCC). The relevant section of the MCC reads:

Section 5.08. Administration and Fiduciary Oversight of the Budget.

The city council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

The CRC felt requiring the city council to, by ordinance, establish budget procedures, timelines, targets, and deliverables and clearly delineating that fiduciary oversight of the budget lies with the city council would clarify the council's role in budget preparation and recommends amending section 8.02 by adding the MCC language to Sec. 8.02.

Section 8.02 Submission of Budget. *The city council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget. The City Manager, prior to August first of each year, shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying budget message.*

Recommendation #25: Revise Charter to Allow for Small Gifts

Article XI / Section 11.06

Current Charter Language prohibits gifts other than marketing swag:

Section 11.06 Acceptance of Gifts. No officer or employee of the City shall accept directly or indirectly, any gift, favor, or privilege, or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

However, Section 1.1803 of the Ethics Policy (and State Law Penal Code Title 8, Section 36.10) allows small, noncash gifts of less than \$50 value.

- *The following factors are considered in evaluating whether a gift is prohibited: (A) The value of the gift, or gifts, does not exceed \$50.00, or \$200.00 during any twelve (12) consecutive calendar months;*

The CRC recommends the charter be amended to align the charter with the Ethics policy and actual practice.

Proposed Revision:

Section 11.06 Acceptance of Gifts. ~~No~~ Officers or employees of the City ~~shall~~ may accept directly or indirectly, any non cash gift, favor, or privilege, or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City only in accordance with the City's Ethics Policy. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes. Officers and employees shall not accept cash or cash equivalents under State Law.

Recommendation #29: Add a Table of Contents to the Charter

The committee observed that the addition of a table of contents to the charter was approved by the voters in 2018, Proposition G:

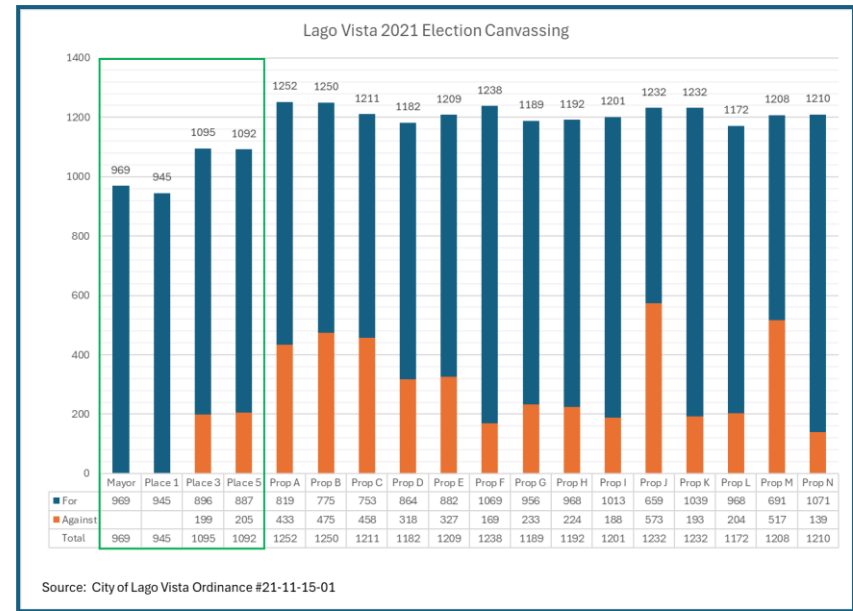
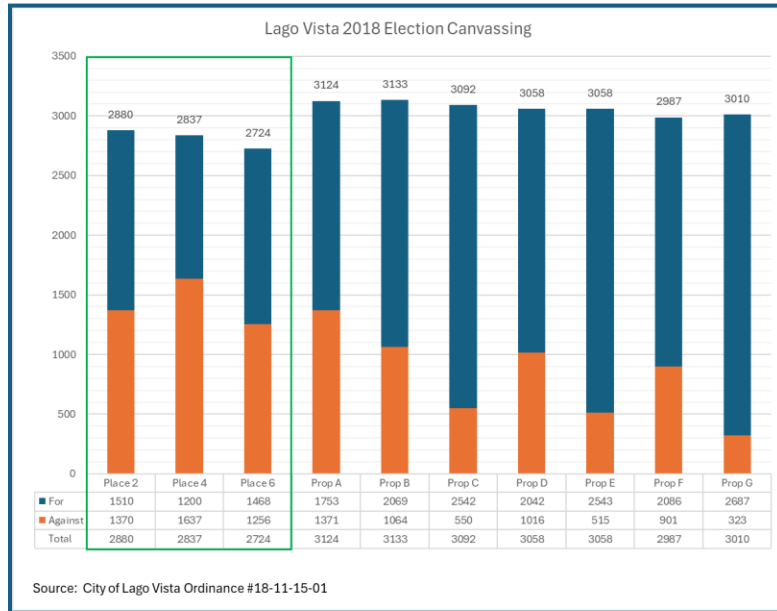
2018 PROPOSITION G: Shall the Charter be amended to correct non-substantive grammatical and typographical errors and to allow for the addition of a table of contents?

2018 Proposition G was passed 2687 to 353 per canvassing ordinance 18-11-15-01 (page 5) but is currently missing from the charter.

The committee finds no subsequent action to remove the table of contents and so recommends, upon completion of final charter edits and pagination after the 2025 election, a table of contents already approved by the voters be added to the charter.

What is the appropriate number of ballot initiatives?

Over 95% of Lago Vista voters were highly engaged through 7 propositions in 2018 and 14 propositions in 2021



Observations

- The vote drop off from Prop A to lowest prop vote count was 137 votes, or 4.4% in 2018 and 80 or 6.4% in 2021.
- The drop off from Prop A to last prop was 114 votes, or 3.6% in 2018 and 42 or 3.4% in 2021.
- Voter engagement **increased** from 2018 Prop F to Prop G and 2021 Prop L to M&N, suggesting even up to 14 propositions is tolerable.
- One documented indication of voter fatigue is “Status Quo Bias” where voters simply start voting against change.
 - Both elections, “Against” votes **decreased** down ballot on average, indicating voters were still engaged.
- The for/against votes vary widely down ballot further proving voters were engaged and evaluating each measure on its merits through all propositions.
- Voter engagement on every Charter proposition was higher than voter engagement for any of the candidate races.

Conclusion

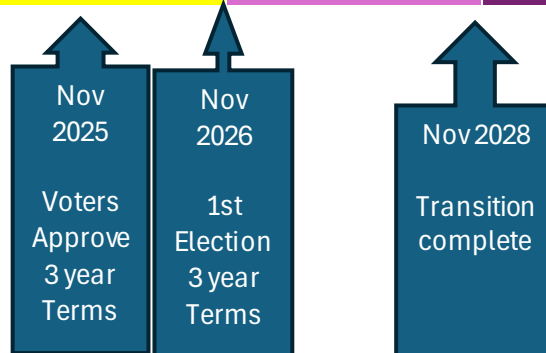
The 2021 data suggests that fourteen propositions is easily tolerable by voters with over 95% of the voters continuing to be highly engaged. Although there is some indication some voter fatigue may have occurred after six propositions simply based on raw vote totals, the “Status Quo Bias” had not yet been reached. It should be noted that last props were related to correcting non substantive grammatical and typographical errors, so the low “against” votes would make sense.

The prior two charter amendment elections suggest that perhaps as many as 15-18 propositions are tolerable to the voters.

Appendix

Alternative Transition to Three Year Terms 3-3-0 Cadence (Considered but not recommended by committee)

Legend	Presidential Elections				Mid Term Elections				Off Year Elections			
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Mayor	Elected 2023		2025 Election		2027 Election		2030 Election					
Place 1	Elected 2023		2025 Election		2027 Election		2030 Election					
Place 3												
Place 5												
Place 2		Elected 2024		2026 Election		2028 Election		2031 Election				
Place 4												
Place 6												



If adopted by voters in 2025 and how the draft language currently reads, the first election to be affected would be 2026:

In the first Election after adopting three (3) year terms, the Mayor and Council Members elected to Places 1, 3, and 5 would be elected to three (3) year terms, [2027 election], while the Council Members elected to Places 2, 4 and 6 would serve a one-time two (2) year term [2026 election] to set up a staggered cycle. After said two (2) year terms expire, Places 2, 4, and 6 would switch to three (3) year terms going forward, ensuring that half of the Council is up for election every three (3) years. [election years added for clarity]

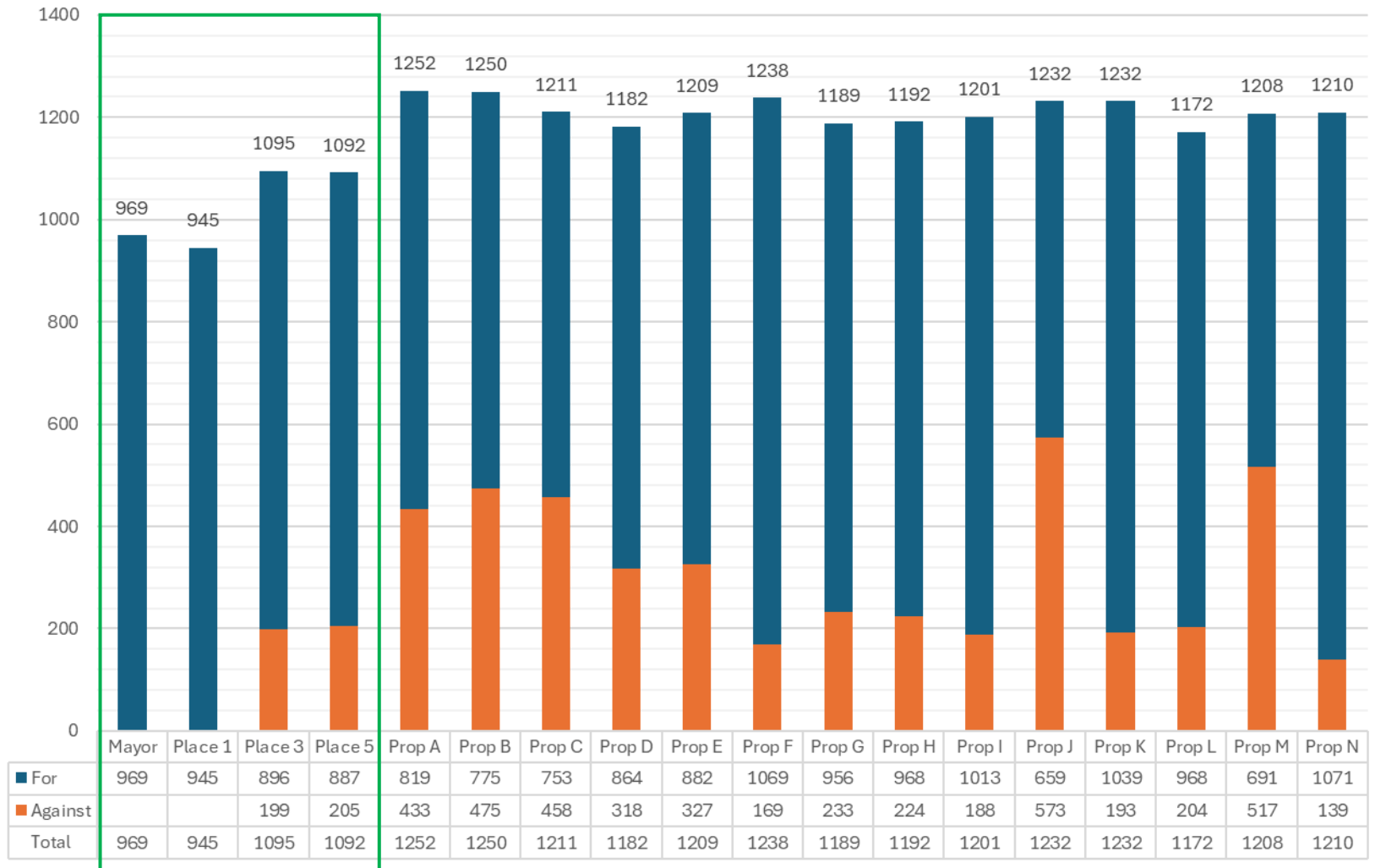
This produces a 3-3-0, cadence, where there are no races in 2029, 2032, and so on every three years.

Lago Vista 2018 Election Canvassing



Source: City of Lago Vista Ordinance #18-11-15-01

Lago Vista 2021 Election Canvassing



Source: City of Lago Vista Ordinance #21-11-15-01

HOME RULE CHARTER



Amended 2025¹

1 **HOME-RULE -CHARTER OF THE -CITY OF LAGO VISTA, TEXAS**
2 [AS AMENDED NOVEMBER 2024⁵]
3

4 **PREAMBLE**
5

6 We, the people of Lago Vista, Texas, do hereby establish this Home-Rule Charter (“Charter”) to
7 grant full authority and power of local government to the City of Lago Vista, Texas, hereinafter
8 referred to as the “City,” and to reserve powers to the people as provided in this Charter. The City
9 of Lago Vista shall have all the authority and powers of local government that are not inconsistent
10 with Texas State (“State”) law, subject to the powers reserved to the people herein. The purpose
11 of this eCharter is to establish and maintain an effective system of home-rule government
12 resulting in an overall better environment for the health, safety, and welfare of the Residents of
13 the City.

14 **SECTION A - DEFINITIONS**
15

16 For the purposes of this Charter, the following capitalized terms will have the meanings as set forth
17 in this Section A. Capitalized terms used but not defined in Section A will have the meanings as
18 set forth in the Charter.
19

20 1 “Annexation” means the formal act by which the City incorporates land within its dominion;

21 2 “Canvass” means the official examination of votes cast in an election;

22 3 “Charter” means the Home-Rule Charter of the City of Lago Vista, Texas;

23 4 “City” means the City of Lago Vista, Texas;

24 “Council” means the City Council which is the legislative and governing body of the City
25 and has control of all City finances, property, functions, services, affairs and programs
26 subject to the terms and provisions of this Charter. The City Council shall consist of a Mayor
27 and six (6) Council Members;

28 5 “Council” means the Lago Vista City Council which shall consist of a Mayor and six (6)
29 Council Members;

30 6 “Council Member” means an elected official such as the Mayor, Mayor Pro-Tem and/or
31 City Council Members. Council Members may also be referred to herein as Officers, or
32 Members;

33 7 “Election” means the formal process of selecting by vote a person for public office or voting
34 on an initiative, referendum, or recall;

35 a. “General Election” means an Election held annually on the uniform election date in
36 November in accordance with State law;

37 b. “Special Election” means an Election called by the Council to conduct City business
38 that is deemed urgent (e.g., a Recall or Referendum measure), and that should not
39 be postponed until the next General Election, however, a Special Election may
40 coincide with a General Election;

41 c. “Run-Off Election” means a Special Election among the candidates who tied for the
42 highest number of votes who received the two highest vote totals but did not receive
43 a majority votes cast for his/her position in a General or other Special Election;

Commented [R01]: From Art Rodriguez:
Deletion is made so as not to grant authority in a definition.
Authority and powers are conveyed in other portions of the
Charter.

Commented [TP2R1]: Reinstated definition of Council
using Art. R’s definition as this term used throughout the
Charter,

Commented [R03]: Art Rodriguez comment:

means a member of the City Council. Council member may
also be referred to herein as Members;

However the CRC was trying to be specific in the definition
and specifically designate members as Officers. Art’s
revision would define “council member” with “member of
city council” which really doesn’t clarify much.

Commented [R04]: Revised by Art Rodriguez.

Commented [R05]: Revised by Art Rodriguez.

8 “Franchise” means an agreement whereby the City shall grant an individual, organization, entity, political subdivision, corporation, public utility, or any provider of public service that will provide any service within the City (“Franchisee”), the permission to use or occupy any street, public right-of-way or property in the provision of such service. Said Franchise will be extended by the Council to the Franchisee by Ordinance.

9 “Meeting” is defined in accordance with Texas Government Code §551.001(4)

a. “Special Called Meeting” means a meeting called in addition to the Regular Meetings of the governmental body and which is open to the public;

b. “Executive Session” means a meeting of the governmental body which is not open to the public pursuant to Texas Government Code §551.07;

c. “Regular Meeting” means the regularly scheduled monthly meeting of the governmental body and which is open to the public;

10 “Official Notice” means a legally mandated notification that contains information alerting citizens of government or government-related activities that affect local citizens. Official Notices includes, but is not limited to, public notices, legal notices and other notices of public interest.

11 “Ordinance” means a law or piece of legislation enacted by the Council on behalf of the City. An Ordinance must be enacted whenever the purpose is to regulate persons, property or both; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate to be paid by consumers; and whenever an Ordinance is required by State law or this Charter;

a. “Alternate Ordinance” means an Ordinance proposed by the Council on the same topic as a Resident Initiated Ordinance;

b. “Initiated Ordinance” means an Ordinance initiated by the Residents of the City in the exercise of their power of direct legislation as granted by this Charter except for any Ordinance appropriating money or repealing an Ordinance appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges;

c. “Referred Ordinance” means an Ordinance proposed by the Residents in the exercise of their power to approve or reject by Referendum any legislation enacted by the Council;

d. “Emergency Ordinance” means an Ordinance enacted when immediate and urgent action is required to protect life, property, or the public peace during an emergency in compliance with State law;

12 Petition”

a. “Bond Petition” means the mechanism by which Residents may protest issuance of bonds or certificates of obligation if such Petition is signed by registered voters of the City equal in number to at least five (5) percent of the number of registered voters who resided in the City at the time of the last General Election and any corresponding Election shall be conducted in the manner provided for bond elections under State law;

b. “Initiative Petition” means the mechanism by which Residents may propose an Initiated Ordinance to the Council if such Petition is signed by registered voters of

Commented [TP6]: Added definition for Official Notices as agreed by CRC on 4/19/25 and 5/7/25.

Commented [R07]: Deleted by Art Rodriguez.

Commented [R08]: Art’s comment:

A bond election is automatically required for issuance of ad valorem bonds (See Govt Code Section 1251.001). Thus, there is no need for an election to “undo” an election that authorized the bonds in the first place. Might this be needed to recall a COs only?

If this is to cover a bond revocation issuance that is 10 years old or older then 10% is the proper amount (See Govt Code Section 1333.001).

This appears to try to mirror the process for recalling COs. As state law already allows for this process, I suggest removal as provision is unnecessary.

Commented [TP9R8]: Definition needs to be revised per the attorney’s comments.

- the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last General Election;
- c. "Recall Petition" means the mechanism by which Residents may propose the removal of the Mayor or Council Member from office before their term is completed if such Petition is signed by registered voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last general City election;
- d. "Referendum Petition" means the mechanism by which Residents may propose a Referred Ordinance to the Council for Referendum if such Petition is signed by registered voters of the City equal in number to at least fifteen (15) percent of the number of registered voters who resided in the City at the time of the last General Election.;
- 13 "Reading" means the reading aloud of an Ordinance in its entirety at a public meeting. Notwithstanding the foregoing, the reading of the title and descriptive caption of an Ordinance shall suffice provided that a written or printed copy thereof has been furnished to each Member of the Council prior to such meeting or at such meeting without objection by a Member of the Council. A majority of the Members of the Council present and voting may require an Ordinance to be read in its entirety.
- 14 "Recall" means the removal of the Mayor or a Council Member from office before their term is completed
- 15 "Referendum" means the practice of submitting legislation proposed or enacted by the Council to a popular vote of the general electorate;
- 16 "Resident" means an individual whose domicile is within the incorporated boundaries of the City as set forth in Section 1.01 below. Domicile shall be based on such individual's intent as evidenced by the address contained on State issued identification, voter registration, homestead exemption status, most recent Federal Tax Return, or other evidence that establishes the dwelling as said individual's fixed and permanent dwelling; and
- 17 "State" means the State of Texas.

1—

ARTICLE I - INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Incorporation. The inhabitants of the territory and geographic area shown on the official map of the City of Lago Vista, Texas as being within the boundaries of the City hereby incorporate the City of Lago Vista as a Texas home-rule municipal corporation. Such territory and area is and shall continue to be a body politic and corporate, in perpetuity, under the name of the "City of Lago Vista"; ~~hereinafter the "City"~~, with such powers, privileges, rights, duties, and immunities as herein provided.

Section 1.02 Form of Government. The municipal government shall be a ~~c~~Council-~~m~~Manager form of government. All powers of the City will be vested in an elected City Council, hereafter known as the "Council," subject to the limitations of ~~S~~state law and this Charter. The Council shall enact local legislation, adopt budgets, determine City policies and appoint a City Manager.

The City Manager shall be responsible to the Council for the management and administration of the City government.

Section 1.03 Boundaries. The boundaries of the City are hereby established as above provided, with the intent that such boundaries are as were provided and intended by the original incorporation of the City of Lago Vista, Texas, in August 1984, as modified and amended by subsequent Annexations and dis-annexations. The corporate limits of the City shall be as now and as hereafter established, extended and modified.

Section 1.04 Annexation and Dis-Annexation.

- a. Annexation by theCity Council. The Council shall have the power, by Ordinance, to annex property, to fix the boundaries of the City and to provide for the alteration or extension of said boundaries, pursuant to theState laws of the State of Texas, now or as may be amended.
- b. Dis-annexation. The City Council may, by Ordinance, dis-annex any territory within the corporate boundaries of the City if the City Council determines that the territory is not necessary or sustainable for City purposes.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

ARTICLE II - POWERS OF THE CITY

Section 2.01 General. The City is a home-rule municipal corporation under Article XI of the Texas Constitution~~city~~. Accordingly, the City shall have full and complete power of local self-government and all authority and powers, both defined and implied, that are not inconsistent with State law. The City shall further have all other and additional authority and powers now or hereafter granted to home-rule cities by State law.

The City may:

- a. Use a corporate seal;
- b. Contract and be contracted with;
- c. Sue and be sued; provided that such power shall not be construed as a waiver of governmental immunity;
- d. Co-operate with other government entities;
- e. Acquire any property, whether real, personal or mixed, by purchase, gift, devise, lease, or condemnation, inside or outside the City limits;
- f. Sell, lease, mortgage and control such property as its interests may require;
- g. Construct, own, lease and operate public utilities;

Commented [R010]: Reviewed by CRC and voted to reject any changes 2/5/25 mtg.

- h. Establish rates and otherwise regulate public utilities and service providers, and entities using the public streets and rights-of-way, to the fullest extent not inconsistent with Sstate law;
- i. Assess, levy and collect taxes;
- j. Borrow money on the faith and credit of the City by the issuance of bonds, certificates of obligation, warrants or notes of the City, or by lease-purchase;
- k. Appropriate money;
- l. Pass and enforce Ordinances and provide penalties for Ordinance violations;
- m. Preserve and promote the health, safety, and welfare of ~~local citizens~~ Residents; and
- n. Exercise all municipal powers, functions, rights, privileges and immunities of every name and nature except those prohibited by Sstate or federal law.

Section 2.02 General Powers Adopted. The enumeration of powers in this Charter is not exclusive. The City shall have all powers incident to local self-government, both direct and implied, that ~~it~~ would be possible to individually and specifically list in this Charter. The enumeration of special powers herein or in any Sstate law making a grant of power and authority to a home-rule ~~municipal corporation~~ city shall not be held or construed to preclude the City from exercising all other powers of local government not inconsistent with the Texas Constitution, ~~the State laws of the State of Texas~~, and the reservations to the ~~people~~ Residents contained in this Charter. The purpose of this Charter is to enlarge upon the power extended by the general and special laws to cities, and to secure to the City; all the powers of local government possible to be conferred on the City under the Texas Constitution.

Section 2.03 Eminent Domain. The City shall have full power and right to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by this Charter or Sstate or federal law. The City shall have and possess the power of condemnation for any public purpose even though such power of eminent domain is not otherwise specifically enumerated in this Charter or in Sstate law. The City may exercise the power of eminent domain in any manner authorized or permitted by Sstate law and, in those instances in which Sstate law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the City Council shall by Ordinance establish the process, rules and procedures for valuing the property and the property interests to be condemned.

The City shall not, however, use the power of eminent domain to acquire land that is owned by a property owners association and that is dedicated and used as parkland, for use as a City park.

Section 2.04 Zoning. For the purpose of promoting the public health, safety, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance, the Council shall have full power and authority to regulate and control the use of land, to zone

Commented [R011]: Reviewing to further restrict city's use of ED for economic or tax purposes suggested by Mike.

the State of Texas has already moved to check this court expansion of ED power. In 2005, in response to Kelo, Texas passed SB7 adding Section 2206 to the Texas government code limiting the power of ED. Further, in 2009 voters amended the Texas Constitution to strengthen property rights in Article I, Section 17 of the Texas Constitution:

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues. <Link>

The language in the constitution is very similar to what we are considering.

Section 2206.001 Government code is attached with some highlights and commentary. In short, 2206 states that "A governmental or private entity may not take private property through the use of eminent domain ... for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or
(B) Section 311.005(a)(1)(I), Tax Code; or

Blighted area is defined Loc Gov Code Title 12, Subtitle A, Ch 374

Sec. 374.003. DEFINITIONS.

(3) "Blighted area" means an area that is not a slum area, but that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality. The term includes an area certified as a disaster area as provided by Section 374.903.

Exception Chapter 373 : The legislature finds that the activities specified in this chapter contribute to the development of viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities for persons of low and moderate income.

Chapter 373 then lists activities that may be conducted under this chapter are directed toward the urban development in 373.002(b):

- (1) elimination of slums and areas affected by blight;
- (2) prevention of blighting influences and of the deterioration of property and neighborhood and ... [1]

and re-zone land within the City and to adopt Ordinances, rules, and regulations governing the same to the fullest extent not inconsistent with State law.

Section 2.05 Rights Reserved. All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the City, heretofore in force governing the same, shall belong to and vest in the City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the City and shall not be in any manner affected by the taking effect of this Charter; but, as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all Ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the Council. All present commissions, boards, Officers and employees of the City shall continue in office subject to the provisions of this Charter, including, but not limited to, the provisions governing election and removal, and the authority conferred on the City Manager and the Council by this Charter.

Section 2.06 Streets and Public Property. The City shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways, and public property within the corporate limits of the City. With respect to all such facilities and public property, the City shall have the power to acquire establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The City may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property thereof; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, and sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or in any combination or parts thereof.

ARTICLE III - THE CITY COUNCIL

Section 3.01 Number, Selection, and Term of Office. The City-Council shall be the legislative and governing body of the City and have control of all the City finances, property, functions, services, affairs and programs subject only to the terms and provisions of this Charter. The City Council shall consist of a Mayor and six (6) Council Members. When used in this Charter or any other City document, "Councilperson", "Councilmember" or "Council Member" includes the Mayor unless the context indicates otherwise.

The Mayor shall be elected from the City at Large. The Council Members shall be elected from the City at Large, by Place. Each seat on the Council, except for the position of Mayor, will be numbered, and the place numbers shall be Place 1 through Place 6. The Council Member

Commented [R012]: From Benefield

Page 5 Article III "The City Council"

Regarding term length:

- Extending council terms from 2 to 3-4 years could provide several benefits:
 - Better continuity in governance and policy implementation
 - More time for council members to develop expertise in city operations
 - Reduced election frequency and associated costs
 - Lower risk of constant campaign cycles disrupting council dynamics
 - More time for long-term planning and project completion

For the voting threshold requirement:

- Implementing a 50%+ majority requirement with potential runoffs would:
 - Ensure elected officials have clear majority support
 - Prevent candidates from winning with just a plurality in multi-candidate races
 - Give voters a clearer choice between final candidates
 - Align with common practices in many other municipalities

Commented [R013]: From Prince:

(Geographical places). I just don't see it as practical. Maybe when we have twice the population of today in another 15-20 years we'll have enough voters, and candidates willing to run, to make this work. The only historical case of a contingent potentially being too strong that I am aware of is when council had a majority of golfers. I don't see going to geography based places having an effect on that.

(election by declared Place vs election of a slate of candidates for all open seats by Plurality). I favor moving to a slate of candidates to allow voters to consider all candidates equally, and avoid the situation where someone who may be the least preferred by voters is unopposed. However, this suffers from making 3 year terms impractical (or impossible).

(Paul's Summary) All things considered, I see our current "Place" based approach, where each candidate arbitrarily selects which seat they run for, leading to limits on voter choice as a problem. I would like that to change. Since 3 year terms makes this change impossible, I do not recommend moving to 3 year terms. I have no strong opinion on limiting time in office.

occupying a particular seat will be identified by the Place number assigned to that Council seat. The Mayor and the three Council Members occupying places 1, 3, & 5 shall be elected in odd numbered years and the three Council Members occupying Places 2, 4, & 6, shall be elected in even numbered years. The candidate who receives a majority of the largest number of votes for a particular office shall be declared elected for that office. Elections shall be held in the manner provided in Article V of this Charter.

The terms of office for the Mayor and all Council members shall be two (2) three (3) years. Office terms shall commence at the first regular Council meeting after a member of the Council has been declared elected. The Council shall, at the first regular City Council meeting following the taking of office of all new members after each scheduled General City Election, elect from among its membership a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights and duties conferred upon the Mayor.

In the first three elections following adoption of three (3) year terms, offices will be elected following the process attached hereto as Exhibit 2025-01.

Section 3.02 Qualifications. All candidates for City elective office shall:

- a. Meet all the requirements for the office prescribed by State law;
- b. Be a registered voter residing in the City for at least one (1) year prior to the date of the General Election;
- c. Be at least 21 years of age by the date of the General Election;
- d. Hold no other elected public office if elected;
- e. Not be a City employee;
- f. Not be in financial arrears to the City for any reason; and
- g. Not file for more than one (1) office per election.

(Rev. November 3, 2015)

Section 3.03 Judge of Election Qualifications. The City Secretary shall be the judge of the qualifications of all candidates for elected office.

(Rev. November 2, 2021)

Section 3.04 Application for City Office. Each candidate for an elective City office shall make application to have his/her name listed on the ballot in accordance with State law.

Section 3.05 Compensation. Members of the Council and the Mayor shall serve without pay or compensation provided however, that the Council may, at some future date, determine by Ordinance, a compensation package. Council Members and the Mayor shall be entitled to

Commented [R014]: See also 5.04

Should plurality be changed to majority and a runoff system?

Implement Districts?

Elect from panel versus places?

Commented [R015]: From Prince:

(Majority vs Plurality election method). I am okay with either in theory, but there are other considerations which lead me to prefer staying with our current Plurality election method.

Commented [R016]: From City Attorney Bullock via Prince

We currently use individually named Places for filing and election, with the winner selected by Plurality. If we moved to a method that eliminated individual races by "Place" and had all candidates run for the multiple open seats, what voting methods are available for selecting multiple council candidates in a single election?

a. The CRC believes that "Ranked Choice" is not allowed in Texas. You confirmed this to be the case – Correct. Section 2.001 of the Election Code sets the default as plurality – to be elected, a candidate must receive more votes than any other candidate. A sec... [2]

Commented [R017]: From Saum

I do not have a strong opinion on 3 year or 2 year terms, but to problem solve, I asked ChatGPT to use the Texas Senate as an example of how to make the elections even. In the Senate, they serve 4 year terms, but every few years have to draw straws and some Senators get 2 year terms. Below... [3]

Commented [R018]: From Sullivan

1.) Length of term. The council and a previous CRC discussed this topic. At the time, the then city attorney provided input on the logistics of making the change. It did not revolve around the timing of elections, but the other things that would need to be changed if we moved to th... [4]

Commented [TP19]: Do we want to include this in the Charter or just in our proposal to the Council or on the actual Amendment? Do 3 year terms also apply to the Mayor?

Commented [R020]: From City Attorney Bullock via Prince:

Could "term limits" and "single term length" be combined into a single ballot measure? [CONTEXT: Same as #1]. ... [5]

Commented [R021]: Term Limits?

Saum:

2. I like the idea of term limits. It is more effective when they are 2 year terms, as you could limit them to 3 or 4 terms with his 6 or 8 years. On a 3 year term, I would be tem... [6]

reimbursement for reasonable expenses incurred in the performance of their official duties as approved by the Council.

Section 3.06 Council Members

- a. The Mayor and Council Members shall have the unrestricted right to meet with and obtain information from the City Manager, City Attorney, City Secretary and any City employee deemed necessary to make informed decisions regarding city business.
- b. The Mayor and Council members may consult with and advise the City Manager, City Attorney, City Secretary and any City employee who directly reports to the City Manager with respect to any City business or issue;
- c. The Mayor and Council Members may recommend appointees for City boards and commissions.
- d. The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law;
- e. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government;
- f. The Mayor may call Special Called Meetings of the Council and any board or commission and set the agenda therefore. The Mayor will call Special Called Meetings within 30 calendar days upon the request of three (3) or more Council Members;
- g. The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto;
- h. The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted and will be placed on a Regular or Special Called Meeting agenda within 30 calendar days;
- i. The Mayor shall have signature authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the Council; and
- j. The Mayor or Mayor Pro-Tem will sign all approved Ordinances and Resolutions.

The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law.

a. Section 3.06 Mayor.

- b. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at

Commented [R022]: Updated per 5/21 recommendation to allow unrestricted access to city employees by council members.

Commented [R023]: Art's comment:

Recommend? Won't they be making appointments?

Commented [R024]: From Saum:

Along the same concept of allowing all council members to interact with staff, we need to ensure the Mayor's position is not able to go rogue and have undue influence over the City Manager and staff outside the purview of the rest of Council. I would like to see the CRC review Article III and ensure there are protections, especially within 3.06, to ensure the Mayor is not making unilateral decisions outside of Council purview and meetings. It is clear the Charter has established the Mayor is simply ceremonial, but still intended to be an equal member of Council.

Commented [R025]: From Sullivan:

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says “Special and called meetings shall be held as determined by the Council or as called by the Mayor”. Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC to review these sections and make it more explicit who can actually call Special Called meetings, so we are not subject to the whim of ... [7]

Commented [R026]: From Sullivan:

Section 3.06 (g) – it indicates that an item requested by 2 or more council members can not be deleted. As mayor, I have no interest in deleting items desired by council members. My belief has always been folks want to talk about it, I want to accommodate it. What has become troublesome is th ... [8]

Commented [R027]: Added or mayor pro-tem 4/2/25 in conjunction with 3.16 revision.

Commented [R028]: From Sullivan:

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says “Special and called meetings shall be held as determined by the Council or as called by the Mayor”. Our previous ... [9]

Commented [R029]: From Prince

(3.06) details rules for the Mayor in interactions with city staff
Note that there is no similar section in Article III defining the rules for Individual Council members interaction with City staff

Commented [R030]: From Saum:

Along the same concept of allowing all council members to interact with staff, we need to ensure the Mayor's position is not able to go rogue and have undue influence over the City Manager and staff outside the purview of the rest of Council. I would like to see the CRC review Article III and ens ... [10]

all meetings of the Council and provide the leadership necessary to ensure good government;

e. ~~The Mayor may call Special Called Meetings of the Council and any board or commission and set the agenda therefore;~~

d. ~~The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto;~~

e. ~~The Mayor may meet with and obtain information from the City Manager;~~

f. ~~The Mayor may consult with and advise the City Manager with respect to any city business or issue;~~

g. ~~The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted;~~

h. ~~The Mayor shall have signature authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the City Council;~~

i. ~~The Mayor shall sign all approved Ordinances and Resolutions; and~~

j. ~~The Mayor may recommend appointees for City boards and commissions.~~

The Mayor, in time of declared emergency, may govern the City by proclamation and direct the City Manager so as to maintain order and enforce all laws. The Mayor shall have such additional powers as are granted to the office by State law, or by ordinance, not inconsistent with this Charter.

(Rev. November 6, 2018)

Section 3.07 Vacancies. An office of a Council Member may become vacant by reason of the death, resignation, disability, Recall, removal or forfeiture provided by law. The Council, at the first Regular Council Meeting after the vacancy occurs, shall declare the office vacant and initiate action to fill the vacancy in accordance with Section 3.09 of this Charter.

Section 3.08 Removal from Office. The City Council may remove any Member of the Council from office for any of the following reasons:

- a. Failure to maintain the qualifications for office required by Section 3.02 of this Charter;
- b. Willful violation of any provision of this Charter, or any provision of the Code of Ethics adopted under Section 11.05 that provides for removal or termination of employment;
- c. Conviction of a felony or a crime involving moral turpitude; or
- d. Failure to attend three (3) consecutive Regularly-scheduled Council Meetings without being excused by the Council.

Commented [R031]: From Sullivan:

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says “Special and called meetings shall be held as determined by the Council or as called by the Mayor”. Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC to review these sections and make it more explicit who can actually call Special Called meetings, so we are not subject to the whim of different attorney opinions.

Commented [R032]: From Sullivan:

Section 3.06 (g) – it indicates that an item requested by 2 or more council members can not be deleted. As mayor, I have no interest in deleting items desired by council members. My belief has always been folks want to talk about it, I want to accommodate it. What has become troublesome is that the mayor and city manager have no ability to assign the items requested to agendas over time to prevent overly long meetings from occurring. Some reasonable change that indicated that the items could not be removed but that they could be assigned to any agenda within 60 days of the request might be warranted.

Commented [R033]: From Prince - see also 5.01

3. Replacing a council seat vacated due to a council member filing to run for mayor. Problem statement / Observations: Council members filing to run for mayor must resign their council seat, but not until after the election takes place. Mayors are elected in odd numbered years. If a council member in an odd place number seat resigns to run for mayor, their (odd) place seat is already on that same ballot. However, if a council member in an even place number seat resigns to run for mayor, their (even) place seat will not be on that same ballot, and the timing does not allow it to be added after the seat is vacated. Thus incumbent odd place council members choosing to run for mayor will be replaced by election, but even place council members choosing to run for mayor will be replaced by appointment for a full year until the next general election.

Commented [R034]: From: Saum

We also had an issue this past year which resulted in the Mayor being censured for willfully and knowingly violating the City Charter. During this process, there was much confusion about what the process truly was for this and what punitive measures the Council could/should take. I think the CRC should consider expanding on a section to spell out a process for when the charter is violated and to provide more options of what actions can be taken. For example, there needs to be more punitive measures than just removal from office. Perhaps written condemnations or other lesser penalties for lesser violations etc.

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Removal proceedings shall be initiated when a sworn or notarized written complaint charging a Mmember of the Council with an act or omission that constitutes a reason for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor Pro Tem. The Mayor or Mayor Pro Tem, as the case may be, person receiving the complaint shall file it the complaint with the City Secretary, who shall provide a copy to the Mmember complained against and all other Council Members. Upon the receipt of a complaint the Mayor, or the Mayor Pro Tem as appropriate, shall cause the complaint to be initially considered by the City Council for the sole purpose of the Council deciding if the complaint alleges a violation that is grounds for removal and that should be considered in Executive Session, unless otherwise prohibited by law. If a majority of the Council finds the complaint alleges a violation that is grounds for removal it shall set a time and date for a hearing in Executive Session, unless otherwise prohibited by law, on the complaint.

If the Council Member complained against does not resign, the remaining Mmembers of the City Council shall conduct a hearing in an Executive Session to take evidence on the complaint, unless a written request to conduct the meeting in public is made by the Mmember complained against. The Council Mmember complained against shall have a right to representation at the hearing, to present evidence, and to question and cross-examine all witnesses but may not vote on the question of removal. The Council may schedule and reschedule any such hearing for any reason, including convenience, to enable attendance by all Members of the Council. Based on the evidence presented at the hearing, the City Council shall, in a Regular or Special Called Meeting public session, make a decision whether the Council Mmember should be removed from office and issue an Order setting out its decision. If it determines by a super majority vote of four (4) five (5) Council Mmembers that removal is warranted, it shall declare a vacancy to be filled no sooner than the next Regular Mmeeting in accordance with Section 3.09. The Council may schedule and reschedule any such hearing for any reason, including convenience to enable attendance by all members of the council.

The decision of the Council shall be final and binding. If the Council determines that a violation has occurred, but removal from office is not warranted, with a majority vote of four (4) members, the Council may, in the discretion of the Council, include a lesser penalty of censure, suspension of up to thirty (30) calendar days, and/or loss of voting rights at city council meetings for up to ninety (90) calendar days.

The decision of the City Council shall be final and binding so long as it is made in good faith and, may in the discretion of the Council, include a lesser penalty of censure and/or _____ a fine as provided in the Ethics Ordinance.

Section 3.09 Filling Vacancies. Within Section 3.09 Filling Vacancies. If at any time there are no Members of the Council able to serve, or if a quorum of the Council is not able to serve, the remaining Council Members will appoint the Chairpersons of the Planning and Zoning Commission and the Board of Adjustment, as temporary Council Members to conduct city business that is deemed urgent and unable to postpone until a Special Election can be called. If necessary, the above individuals will appoint any standing City Committee member,

Commented [RO35]: Added by Art Rodriguez.

Commented [RO36]: Added by Art Rodriguez

Commented [RO37]: From Sullivan:

Section 3.08 Removal from Office – When the council went through this recently, it became obvious that the charter does not provide much detail about how the removal hearing would be run. The then city attorney advised me that the filer of the complaint would not be able to get up and make a presentation. Then that is exactly what happened. No where does it say that the presiding officer is allowed to limit the information reviewed in the hearing, but that is exactly what happened in the hearing. It might make sense for the CRC to review this section and provide some additional context for the conduct of these hearings.

Commented [RO38]: Added “present evidence” per 4/2/25 meeting.

Commented [RO39]: Super Majority of 5 to remove from office per 4/2/25 meeting

Commented [TP40]: Moved to above for clarity.

Commented [RO41R40]: Accepted 4/2/25

Commented [RO42]: Recommended lesser penalty language 4/2/25

Commented [TP43]: Deleted “fines” as this is against Texas law and possible discussion needed re: another form of lesser punishment added?

Commented [RO44R43]: Deleted and replace with other lesser penalties per 4/2/25 meeting

Commented [RO45]: From Prince

(3.09) Filling vacancies. [Paragraph 1]
This paragraph deals with small numbers of vacancies, in which there still exists a quorum of elected council members. It now says:

- If there is one opening, appoint someone within 30 days
- If there are two or more openings, don’t appoint anyone. Instead, within 30 days, call for a special election. But, appointments may be made if... the next general City election is less than 180 days away “or” if there is no ... [11]

Commented [AR46]: All suggested edits contained in this section are to conform to Texas Constitution Article I ... [12]

Commented [RO47R46]: Revised 3.09 to reflect Art’s revision for first paragraph.

Commented [RO48]: From Prince

(3.09) Filling vacancies. [Paragraph 1] ... [13]

Commented [RO49]: Art’s comment:

All suggested edits contained in this section are to conform to Texas Constitution Article I ... [14]

City Commission member, or Board Chairpersons, as a temporary Council Members until a temporary Council of five (5) members is formed. The temporary Council will immediately call a Special Election to fill the Council vacancies filled by such appointees.

Within thirty (30) days of declaring a vacancy, the Council, by a majority vote of the remaining Mmembers of the Council, shall appoint to the vacancy a person possessing the qualifications specified in this Charter. If two (2) or more vacancies exist and there is more than one hundred eighty (180) days before a Ggeneral City Election, the remaining Mmem bers of the City Council shall, within thirty (30) days of the occurrence of two (2) or more the multiple vacancies, eall a Sspecial Election to fill the vacancies for the remainder of the unexpired terms. If there are less than one hundred eighty (180) days before the next Ggeneral City Election, or if no uniform election date as authorized by State law at which Mmembers of the Council may be elected will occur prior to the next Ggeneral city Election, a majority of the remaining Mmembers of the Council shall appoint qualified persons to fill the vacancies until the Ggeneral Election. All Council Members persons holding office by appointment shall serve only until an General Election or Special Election is held to fill that position and the person elected to that position is seated. If no qualified candidate files an application for election to the office of Mayor or a Council Pplace for any sSpecial or Ggeneral Election, the Council shall appoint a qualified person to fill the position until the next gGeneral Election.

If at any time there are no Mmembers of the City Council able to serve, or if a quorum of the Council is not able to serve, the following individuals listed below, together with the Mmembers of the City Council, if any, remaining and able to serve, shall immediately call a Special Election to fill the City Council vacancies and act as a temporary City Council to conduct City business that is deemed urgent and that should not be postponed until after such Special Elections isare held: tThe Chairperson of the Planning and Zoning Commission; and the Chairperson of the Board of Adjustment; and saidthose individuals shall select from any standing City Council Committee that Committee's Chairperson. The temporary City Council shall total five (5) Members.

(Rev. November 3, 2015)

Section 3.10 Dual Office Holding. Neither the Mayor nor any other Mmember of the Council shall hold another City office or City employment during the term of their office. Former Mmembers of the Council shall not receive any compensation from the City or hold any compensated appointive City office within one (1) year after their elective office terminates.

Section 3.11 Council Meetings. The Council shall fix the time and dates for Rregular Mmeetings by Rresolution and define by eOrdinance the manner in which Mmeetings are conducted. The Council shall meet at a regular time at least once a month. Special and Cealled Mmeetings shall be held as determined by the Council or called by the Mayor. Notice of all Mmeetings shall be in accordance with Sstate law.

Commented [R050]: From Prince

(3.09) Filling vacancies. [Paragraph 2]

This paragraph deals with large numbers of vacancies, in which there does not exist a quorum of elected council members. The language

here is confusing, but I believe the intent is as follows:

- If there exists less than a quorum of Council (fewer than four elected or appointed council members), then appointments shall be made to create a temporary council of five members using the following process until a council of five members is formed.
 - The chair of the Planning and Zoning Commission shall be appointed
 - The chair of the Board of Adjustment shall be appointed
 - These two members, along with any remaining council members shall appoint further members as needed to create a temporary council of five members, by selecting from the chairpersons of any standing City board, committee, or commission.
- The temporary Council shall call for an election to fill all City Council vacancies and replace all appointees at the first opportunity of a general or uniform election.

Commented [R051]: From Roberts:

Amendment to Section 3.11 (Council Meetings)

• Replace:

"Special and called meetings shall be held as determined by the Council or called by the Mayor."

• With:

"Special and called meetings of the Council may be convened by the Mayor or by the request of two Council Members then seated, as determined by ordinance adopted by the Council."

• Rationale:

- Aligns with current practices outlined in the Rules of Procedure.
- Provides clarity and flexibility for future councils to modify the process by ordinance as needed.

Commented [R052]: From Sullivan

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says "Special and called meetings shall be held as determined by the Council or as called by the Mayor". Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC t... [15]

Commented [R053]: Deleted 4/2/25 "Special Called Meetings shall be held as determined by the Council or called by the Mayor." as duplicative with the recommended revisions to Section 3.06 regarding Special Called Meetings.

Commented [TP54R53]: *duplicative

461 **Section 3.12 Quorums.** Three (3) ~~M~~members of the Council and the Mayor, or ~~the Mayor Pro-~~
462 ~~Tem and three (3) council M~~members of the Council and the Mayor Pro-Tem during the absence
463 of the Mayor, ~~and Mayor Pro Tem~~ shall constitute a quorum for the purpose of transaction of
464 business. No action of the Council, except as provided in Section 3.09, shall be valid or binding
465 unless adopted in a ~~Regular or Special Called open M~~meeting with a quorum present, ~~provided~~
466 ~~that less than a quorum may adjourn any meeting or canvass an election,~~ and no action or motion
467 shall be passed, approved, adopted, taken or consented to except by a majority vote of the
468 ~~M~~members of Council present and voting; ~~provided that not less than three (3) affirmative votes~~
469 shall be required to pass, approve, adopt, take action or consent to any ~~O~~rdinance, ~~R~~esolution,
470 action, matter, issue, or motion. ~~A Council Member or Mayor that is present, but not voting due~~
471 ~~to a conflict of interest, does not affect his/her presence in determining a quorum.~~
472 Notwithstanding the foregoing, less than a quorum may adjourn any meeting or Canvass an
473 Election.
474

475 **Section 3.13 Rules of Procedure.** The Council shall establish by ~~O~~rdinance its procedures for
476 conducting Council meetings. Such ~~O~~rdinance shall provide the ~~citizens~~Residents, or their
477 representatives, a reasonable opportunity to comment on any matter on the agenda of any ~~R~~egular
478 or ~~S~~pecial Called Mmeeting of the Council prior to the Council voting on the matter, and
479 ~~Resident~~citizen communications shall be an agenda item for all meetings for that purpose. In
480 addition to agenda items, any issue over which the ~~C~~city has jurisdiction may be addressed during
481 ~~Resident~~citizen communications. All Residents ~~persons~~ present at Council meetings or any public
482 hearing and requesting in writing to be heard may address the Council on the subject of the hearing.
483 The City Secretary shall maintain and record all minutes of all proceedings of the Council, except
484 for Executive Sessions, and make these minutes available to ~~citizens~~Residents of the City for a
485 reproduction fee.
486

487 **Section 3.14 Voting.** Members of the Council present shall vote and have their votes recorded in
488 the minutes upon every action requiring a vote. Only in the event the vote involves a Council
489 ~~M~~member's conduct or conflict of interest shall that Council Mmember abstain, and the reasons
490 for the abstention shall be noted in the minutes. The rules set forth in Section 11.05 shall control
491 conflict-of-interest issues unless a more restrictive provision is established by State law.
492

493 **Section 3.15 Ordinances in General.** The Council shall have the power to adopt, waive,
494 suspend, repeal or amend any ~~O~~rdinance, and provide for the enforcement and punishment of
495 ~~O~~rdinance violations in any manner, not inconsistent with State law. All expenditures of City
496 funds and creation of City indebtedness shall be by ~~e~~Ordinance. All such actions shall state, "Be
497 it ordained by the Council of the City of Lago Vista."
498

499 An ~~e~~Ordinance must be enacted whenever the purpose is to regulate persons, property or both;
500 whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate
501 to be paid by consumers; whenever an Ordinance is required by State law or this Charter; or
502 when an ~~e~~Ordinance is amended.

503 (Rev. November 2, 2021)
504

Commented [R055]: Suggested addition by Art:

Suggestion in the absence of Mayor and Mayor Pro Tem

Commented [TP56R55]: Resolved to revert to original language with slight modification.

Commented [TP57]: Moved to the end of the paragraph for clarity.

Commented [R058R57]: Accepted 4/2/25

Commented [R059]: Comment from Art:

Do you want to make a provision in case conflicts of interest reduce the number where three votes is not possible?

Commented [R060]: Added by Art Rodriguez

§05 **Section 3.16 Procedure to Enact Legislation.** Every Ordinance shall be introduced in written
§06 or printed form and shall have a clearly summarized and fully descriptive title and caption. The
§07 reading aloud of the descriptive caption of the Ordinance shall suffice as a reading of the
§08 eOrdinance in its entirety, provided that a written or printed copy thereof has been furnished to
§09 each Member of the Council prior to such meeting, or at such meeting without objection by a
§10 Member of the Council. A majority of the Members of the Council present and voting may
§11 require an Ordinance to be read in its entirety. All eOrdinances to be enacted by the Council
§12 shall be considered and the descriptive caption of such Ordinance read in Regular or Special
§13 Called open-Mmeeting of the Council at a minimum of one (1) Council meeting. Any Council
§14 Member may by request made on the record at the meeting require a second reading. The
§15 affirmative vote of the majority of the Members of the Council present and voting, except as
§16 otherwise required by State law~~statute~~ or this Charter, shall be necessary to adopt any
§17 eOrdinance.

§19 The vote upon the passage of all Ordinances and Resolutions shall be recorded in a book kept
§20 for that purpose by the City Secretary. Every Ordinance enacted shall be authenticated by the
§21 signature of the Mayor or, ~~in the absence of the Mayor,~~ by the Mayor Pro-Tem, and the City
§22 Secretary, and shall be systematically recorded and indexed in an Ordinance book in a manner
§23 approved by the Council. It shall be necessary to record only the caption, subject matter and
§24 assigned Ordinance number or title of such Ordinances in the minutes of the Council
§25 Mmeetings. (Rev. November 2, 2021)

§27 **Section 3.17 Publication and Posting of Ordinances and Other Documents.** Except as
§28 otherwise required by State law or this Charter, the City Secretary shall give notice of the
§29 enactment of every Ordinance imposing any penalty, fine or forfeiture and every Ordinance
§30 relating to the budget, Franchises, taxes, or public utilities and public service providers and the
§31 setting of the rates, fees and charges thereof. This shall be done by causing the Ordinance in full
§32 or its caption, including the penalty if any, to be published at least one (1) time in a newspaper of
§33 general circulation within the City and posted on the City's website until such Ordinance
§34 becomes codified into the City's Code of Ordinances.

§36 The provisions of this section shall not apply to the correction, amendment, revision or
§37 codification of the Ordinances of the City in book or pamphlet form.

§39 The City Secretary shall also ensure that all Resolutions, Proclamations, and Official Notices be
§40 posted on the City's website.
§41 (Rev. November 3, 2015)

§43 **Section 3.18 Emergency Meetings and Ordinances.** The Council may adopt an Emergency
§44 Ordinance(s) ("Emergency Ordinance") and take other action to protect life, property or the
§45 public peace at an emergency meeting held in compliance with State law. An Emergency
§46 Ordinance shall be plainly designated as such and shall contain a declaration stating that an
§47 emergency exists and describing it in clear and specific terms. The Emergency Ordinance shall
§48 be effective for a maximum period of sixty (60) calendar days from enactment, except as noted

Commented [TP61]: "Reading" defined in Definitions.

Commented [RO62]: From Prince:

(3.16) Procedure to Enact Legislation:

- (3.16, Para 2) "...shall be authenticated by the signature of the mayor, or in the absence of the mayor, by the Mayor Pro-tem and the City Secretary"

This came up during the recent charter violation deliberations. The mayor refused to sign a resolution but was not absent. This language prevented the M-PT from signing it. Perhaps this should read: "shall be authenticated by the signature of the mayor, or by the Mayor Pro-tem and the City Secretary"

Commented [RO63R62]: Revised as suggested 4/2/25.

below. It may be renewed or re-adopted if necessary by the procedures required for the enactment of a new Ordinance. An Emergency Ordinance may not:

- a. Levy taxes, grant, renew, or extend a Ffranchise;
- b. Regulate rates charged by public utilities; or
- c. Authorize the borrowing of money, except as authorized by State law or provided for in Sections 8.06 or 8.10 of this Charter.

Emergency Ordinances authorizing the borrowing of money in compliance with State law and Section 8.06 shall not be subject to expiration in sixty (60) calendar days.

Section 3.19 Adoption of Code. The City shall adopt by Ordinance a Code of Ordinances. All amendments to the Code of Ordinances shall be codified and maintained by the City Secretary. The City may adopt any standard code, regulations and or standards for buildings, plumbing, electrical, air conditioning and heating, and other trades and construction, and establish appropriate penalties for their violation. Copies of adopted codes, trade regulations and standards and technical regulations shall be referenced and linked on the City website and made public in a form to allow any competent individual to obtain a copy or view those adopted codes, trade regulations and standards and technical regulations whether by purchase or internet. (Rev. November 2, 2021)

Section 3.20 Resolutions and Minute Orders. The Council may act by written Resolution ("Resolution"), regarding any subject or matter relating to or dealing with any public purpose or business except as provided in Section 3.15 of this Charter. The enacting clause of every written Resolution shall be "Be it resolved by the Council of the City of Lago Vista,". The Council may further give instructions to the City Manager, approve bids and contracts, and take other actions regarding the day-to-day business of the City by Resolution adopted by motion and vote recorded in the minutes of the Council meeting.

Section 3.21 Investigative Body. The Council shall have the power to inquire into the conduct of any City office, department or agency, inquire into the conduct or qualifications of any Officer or employee of the City appointed or confirmed by the Council and make investigations as to municipal affairs. For those purposes the Council may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence material to a specific inquiry. The Council shall establish by Ordinance the procedures applicable to the investigations authorized herein and shall set penalties for failure to comply therewith.

Section 3.22 Authority as the Governing Body. The City-Council shall have and exercise all the powers and authority of the City, not inconsistent with this Charter, for the benefit of the City and its Residents. The Council shall have the power to ordain, alter, waive, amend or repeal and enforce Ordinances, Resolutions, rules, Orders, and regulations, for any public purpose, that are not in conflict with this Charter or State law. The Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and

Commented [R064]: From Sullivan

Section 3.21 Investigative Body – this section has been referenced repeatedly as authorization for an individual council member to be able to act as indicated in the section. The current paragraph appears to reference that the council body as a whole has the rights in the paragraph. It might make sense to have this paragraph be more explicit as to what it is authorizing and whether council members have the rights enumerated within the paragraph individually or only acting as a body

control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the quality of life within and beautification of the City, and any other service, program or activity beneficial to the City and its ~~citizens~~Residents. The City shall have full and complete power of local self-government to the fullest extent not in conflict with this Charter or ~~S~~state law, including all such authorities and privileges that are now or hereafter provided to cities by ~~S~~state law, and such power and authority both expressed and implied as necessary to accomplish and enforce any such duty, program or public purpose.

Section 3.23 Prohibitions. The Council shall have powers only as a body meeting with a quorum present and no ~~Council M~~member shall have power to act individually, except where that power may be conferred upon ~~such~~the Council ~~M~~member in this Charter or by the Council. The individual Council ~~M~~members shall have the right to meet with the Mayor to inquire about any matter or ~~issue~~ and with the City Manager or department head to obtain information deemed necessary to make informed decisions regarding the business of the City. No ~~M~~member of the Council shall give orders directly to the City Manager, and no Council Member shall give orders directly to any other City employee. (Rev. November 6, 2018)

ARTICLE IV - ADMINISTRATIVE SERVICES

Section 4.01 City Manager. The Council shall appoint a City Manager who shall be chosen primarily on the basis of his/her executive and administrative training, experience and ability. The affirmative vote of five (5) members, or more, of the Council shall be required to appoint a person as City Manager ~~or change the City Manager's compensation package.~~ Within six (6) months after employment, the City Manager shall reside within the City limits, unless the Council approves an outside residence. The City Manager shall receive compensation as determined by the Council. The compensation shall be agreed upon prior to employment and the Council may contract with the City Manager to establish the terms of employment. The Council shall reserve the right to raise ~~or lower, or change~~ the City Manager's compensation ~~package~~ at its sole discretion by the vote of five (5) members or more. The City Manager may be removed or suspended at the sole discretion of the Council by an affirmative vote of five (5) members or more of the Council.

The City Manager is the chief executive and administrative ~~O~~officer of the City, responsible to the Council for the efficient administration of all the City's affairs placed in the ~~City~~ Manager's charge by or under this Charter. The City Manager shall:

- a. Implement the general policies established by the Council and faithfully enforce all applicable ~~S~~state laws and City ~~O~~ordinances;
- b. Appoint, supervise and/or give direction to all departments, offices, and agencies of the City and hire, suspend or remove any employee of the City except for department heads which require Council approval for employment or removal;
- c. Sign all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the ~~City~~Council;

Commented [RO65]: From Roberts:

Clarification of Council Member Access to Staff (Section 3.23) • Add explicit language to Section 3.23 to reaffirm the individual rights of council members to directly access information and staff. Proposed addition:
"The individual Council members shall have the unrestricted right to meet with the City Manager or department heads to obtain information deemed necessary to make informed decisions regarding the business of the City. Such access shall not require prior notification to or approval from the City Manager. This access includes, but is not limited to, verbal discussions, written correspondence, and the receipt of materials or reports."

Commented [RO66]: From Prince:

One: Council interactions, and any limits thereupon, with staff Question: What, if any, should be the limitations or controls placed on individual council members in interacting with the CM, his/her direct Staff, and all city employees? This was debated in extensive detail last year when council voted 4-2 to approve ordinance 24-09-19-03 adding section 1.310, "Procedures for Personnel Interaction" to the code of ordinances. Those in the majority felt that some rules and limits were needed and appropriate. Those in the minority assert that the charter imposes no limits and therefore opposed this ordinance. Notes:
1. (1.02) Lago Vista is a Council-Manager form of government. In 2018, the charter was modified to remove the title of executive from the mayor and apply it to the city manager. Thereby "weakening" the mayor to be more equivalent in authority to all council members. Section (3.23) Prohibitions and section (4.01) City Manager seem to conflict in rights granted to individual council members. (3.23) "The individual Council members shall have the right..." (4.01) [in the paragraph just before section 4.02] says "Except for the purposes of inquiries and investigations..."

Commented [TP67]: Duplicative clause. Clarified later in the paragraph as noted.

- 636 d. Prepare all agendas in conjunction with the Mayor and attend all meetings of the
637 Council except when excused by the Council. He/she shall have the right to take
638 part in all discussions but shall not have a vote;
- 639 e. Prepare and submit the proposed annual budget and administer the approved City
640 budget in accordance with this Charter;
- 641 f. Prepare and present to the Council a complete annual report of the financial and
642 administrative activities of the City for the preceding year. This report shall be due
643 one hundred twenty (120) calendar days after the end of the fiscal year;
- 644 g. Make reports as the City Council may require concerning the operations of City
645 departments, offices, ~~and~~ agencies subject to the City Manager's supervision;
- 646 h. Prepare and submit to the Council monthly financial reports and keep the Council
647 advised on the financial condition and future needs of the City;
- 648 i. Provide staff support services for the Mayor and Council Members, consistent with
649 the intent and requirements of this Charter;
- 650 j. Ensure that all terms and conditions imposed in favor of the City, or its
651 ~~inhabitants~~ Residents, in any public utility ~~F~~franchise or other ~~F~~franchise or contract
652 are faithfully kept and performed. Upon knowledge of any violation thereof, the
653 City Manager ~~he/she~~ shall call same to the attention of the City Attorney, whose
654 duty it shall be to advise the City Manager and the City Council of such steps as
655 may be necessary to enforce the same; and
- 656 k. Perform other duties as ~~are~~ specified in this Charter, or duties not inconsistent with
657 this Charter as required by the City Council.

658
659 The City Manager shall designate by letter filed with the City Secretary, a qualified administrative
660 Officer of the City, subject to approval by the Council, to perform the duties of the City Manager
661 in his/her absence or disability from his/her duties. No Mmember of the Council shall act as City
662 Manager. No Mmember of the Council shall, during the time for which he or she is elected, or for
663 one (1) year thereafter, be appointed City Manager.

664
665 The Council, except as provided for in Section 3.06 of this Charter, shall direct and supervise the
666 City Manager only by majority vote. Except for the purposes of inquiries and investigations under
667 this charter, the City Council or its members shall deal with employees who are subject to the
668 supervision of the City Manager solely through the City Manager. Neither the Council nor its
669 members shall give orders to or in any way exercise the influence of their office on such officer or
670 employee, either publicly or privately, except as otherwise provided in this Charter.

671 (Rev. November 3, 2015)

672 (Rev. November 6, 2018)

673 (Rev. November 2, 2021)

674

Commented [R068]: From Prince:

Section (3.23) Prohibitions and section (4.01) City Manager seem to conflict in rights granted to individual council members. (3.23) "The individual Council members shall have the right..." (4.01) [in the paragraph just before section 4.02] says "Except for the purposes of inquiries and investigations..."

Commented [R069]: From Roberts:

Refinement of Section 4.01

- Amend Section 4.01 to eliminate ambiguity about council members' rights to communicate directly with staff.

Proposed addition:

"For the purposes of inquiries and investigations under this charter, and in the normal course of obtaining information necessary to fulfill their legislative duties, Council members may interact directly with City employees subject to the supervision of the City Manager without requiring oversight or pre-approval."

Commented [TP70]: Struck clause as agreed to by CRC on 4/19/25. Already covered in 3.06 as amended.

Section 4.02 City Secretary. The City Manager, subject to approval by the Council, shall appoint a City Secretary. The City Manager shall employ such assistant City Secretaries as the Council authorizes. Except as otherwise required by Sstate law or Ordinance, the City Secretary shall:

- a. Keep an accurate register of all laws, Resolutions and Ordinances of the City; and attend all meetings of the Council unless excused by the City Manager;
- b. Keep the corporate seal;
- c. Take charge of and preserve the books, pages, documents, files, contracts, and other records of the City;
- d. Prepare all notices required under any Sstate law or regulation or any Ordinance of the City;
- e. Keep a register of bonds and bills issued by the City and all evidence of debt due and payable to the City, noting the relevant particulars and facts as they occur; and
- f. Perform all other duties required by State law, Ordinance, Resolution, or Orders of the City Manager.

Section 4.03 Municipal Court. A municipal court, designated as the Municipal Court of the City of Lago Vista (the "Court"), is hereby established. The eCourt shall have jurisdiction over all matters, offenses and issues as now or hereafter provided by State law, and all other matters, offenses and issues as provided by eOrdinance not inconsistent with State law. The Municipal Court Judge and any Associate Municipal Court Judges deemed necessary shall be nominated by the City Manager; and appointed by the Council. Compensation for the Municipal Court Judge and any Associate Court Judges shall be set by the City Council. A Court Clerk and such deputies as deemed necessary by the City Council shall be appointed pursuant to City Ordinance and State law. The Court Clerk and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the Court seal and perform any and all duties authorized by State law or Ordinance, or directed by the City Manager. All costs, fees, special expenses and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City unless otherwise required by State law. (Rev. November 2, 2021)

Section 4.04 City Attorney. The City Manager shall appoint a City Attorney subject to approval by the Council. The City Manager may also appoint other attorneys to assist the City Attorney as may be deemed necessary and approved by the Council. The City Attorney and any appointed associates shall be duly licensed to practice law in the State of Texas. The City Attorney shall be the legal advisor for the Council and all offices and departments of the City. The City Attorney and any approved associate attorneys may represent the City in litigation and legal proceedings that may arise.

Section 4.05 City Police. A City of Lago Vista Police Department headed by a Chief of Police shall be established to maintain order within the City and to protect eitizens Residents from threats or violence and their property from damage or loss. The Chief of Police shall be appointed by the

716 City Manager subject to approval by the Council. The Chief of Police must be a licensed peace
717 officer in the State of Texas and have verifiable experience which qualifies him/her for the
718 position. This experience may have been gained in the service of police agencies outside the State
719 of Texas either from another state or with a ~~f~~Federal agency. The Chief of Police shall be
720 responsible for the operation of the Police Department and shall enforce ~~S~~state law and all the
721 ~~O~~rdinances of the City. He/she shall perform such other associated duties as the City Manager
722 may require and shall, upon approval of such documents by the City Manager, establish and
723 maintain written procedures relating to police administration, policies and procedures.
724

725 **Section 4.06 Human Resources.** The City shall be an equal opportunity employer and the service
726 of each ~~O~~fficer and employee shall be "at will." The administration of human resources of the
727 City shall be governed by written rules and regulations to be known as "Personnel Policies." The
728 City Manager or his/her designee shall prepare such ~~P~~ersonnel ~~P~~policies and recommend their
729 adoption to the ~~C~~ity Council. Such ~~P~~ersonnel ~~P~~policies shall not be inconsistent with this Charter
730 and will become effective when approved by the Council by ~~O~~rdinance. All ~~P~~ersonnel ~~P~~policies
731 so adopted and not inconsistent with this Charter shall have the force and effect of law. No person
732 related, within the second degree by affinity or within the third degree by consanguinity, to the
733 Mayor or to any ~~M~~ember of the Council or to the City Manager shall be employed or appointed
734 to any office, position or clerkship of the City. This prohibition shall not apply however, to any
735 person who shall have been employed by the City at least six (6) months prior to and at the time
736 of the ~~E~~lection or appointment of the ~~O~~fficer related in the prohibited degree.
737

738 **Section 4.07 Other and Additional Departments.** There shall be such administrative
739 departments as are required to be maintained by this Charter, and as are established by ~~O~~rdinance,
740 all of which shall be under the control and direction of the City Manager except as herein provided.
741 Other and additional departments may be recommended by the City Manager but shall be
742 established by ~~O~~rdinance.
743

744 745 ARTICLE V - NOMINATIONS AND ELECTIONS 746

747 **Section 5.01 City Elections.** Beginning with the ~~G~~eneral ~~C~~ity ~~E~~lection to be held in 2016 and
748 for each successive ~~G~~eneral ~~C~~ity ~~E~~lection, the ~~G~~eneral ~~C~~ity ~~E~~lection shall be held annually
749 on the uniform election date in November in accordance with ~~the election State laws of the State~~
750 ~~of Texas~~. All terms of office for ~~the Mayor and all Council M~~embers shall be as set forth in
751 Section 3.01. The Council shall fix the places for holding such election, and the City Secretary
752 shall give notice of the ~~E~~lection in the manner required by ~~the laws of the State law of Texas~~.
753 The Council may, by ~~O~~rdinance, call ~~S~~pecial ~~E~~lections as required or authorized by ~~S~~tate law
754 or this Charter. The Council shall fix the time and places for such ~~S~~pecial ~~E~~lections, direct the
755 City Secretary to give notice thereof and provide all means for holding same. A certified list of
756 registered voters residing within the City shall be obtained by the City Secretary for each
757 ~~E~~lection. All City ~~E~~lections shall be held in accordance with ~~S~~tate law, this Charter, and the
758 ~~O~~rdinances, ~~R~~esolutions and ~~O~~rders adopted by the Council for the conduct of ~~E~~lections.
759 The Council shall provide for the ~~E~~lection, appoint ~~E~~lection judges and other officials and shall

Commented [R071]: See PP comments on elections in 3.07:

3. Replacing a council seat vacated due to a council member filing to run for mayor. Problem statement / Observations: Council members filing to run for mayor must resign their council seat, but not until after the election takes place. Mayors are elected in odd numbered years. If a council member in an odd place number seat resigns to run for mayor, their (odd) place seat is already on that same ballot. However, if a council member in an even place number seat resigns to run for mayor, their (even) place seat will not be on that same ballot, and the timing does not allow it to be added after the seat is vacated. Thus incumbent odd place council members choosing to run for mayor will be replaced by election, but even place council members choosing to run for mayor will be replaced by appointment for a full year until the next general election.

determine and provide for their compensation and for all other expenses of holding City
municipal Elections. In the absence of State law providing regulations for the conduct of any
Election, or any related action or procedure, the eCouncil shall provide such regulations by
Ordinance.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

Candidates shall follow these rules:

- a. No candidate for office, including incumbents, may withdraw their candidacy and
refile in the same Election; and
- b. No candidate may file for more than one (1) office or position number per
Election; and
- c. Incumbents seeking re-Election must file for the same position that he or she
presently holds; and
- d. An elected Council Mmember, filing for office of Mayor, shall file for Election
fifteen (15) business days on or before the filing deadline in accordance with State
Law; and
- e. An elected Council Mmember, filing for office of Mayor, shall resign from the
office presently held on or before the Ceanvassing date.

(Rev. November 3, 2015)

Section 5.02 Official Ballots. The name of each candidate for office, except those who may have
withdrawn, died, or become ineligible prior to the preparation of the ballot, shall be printed on
the official ballots without party designation or symbol. In Elections for Mmembers of the
Council, the order of the names of the candidates on the ballot shall be in accordance with State
law and shall be determined by lot in a drawing to be held under the supervision of the City
Secretary. Early voting shall be governed by State law. The ballot for all propositions and
measures shall be established by Ordinance. Each proposition shall be presented for voting by
ballot title, which may differ from the measure's legal title, and a clear, concise statement
objectively describing the substance of the measure. The content and form of the ballot shall be
determined by eOrdinance. Procedures for write-in votes shall be governed by State law.

Section 5.03 Canvassing. The Election judges and officials appointed by the Council shall
determine, record, and report the results of any General or Special City-Election in accordance
with State law. In accordance with said laws, the Council shall, after an Election, meet,
Ceanvass, and officially declare the results of the Election as to candidates and questions. Unless
provided otherwise by State law, Elections shall be Ceanvassed not less than three (3) or more
than eight (8) business days after the date of the Election. The returns of every Citymunicipal
Election shall be recorded in the minutes of the Council.

Commented [R072]: From Art:

I am unsure the purpose of this section

Commented [R073]: From Sullivan

1.) In 2018, the CRC recommended, council accepted, and the citizens voted on multiple changes to how applying for office takes place in the city. One change was to require that any council member in seat 2, 4, or 6 that wants to apply to run for mayor be forced to resign his/her seat for the year that would remain on their term after the election and that they must apply in the first 15 days of the application cycle. Additionally, it was required that anyone applying for a seat in an election cycle could not retract that application and then change to another position that was on the ballot that cycle.

The first of those, seat 2 applying to run for mayor, applied to me in the 2023 election cycle. In speaking with the city secretary at the time, she indicated that the requirement to apply in the first 15 days was illegal. Every applicant is to be afforded the same application cycle as any other applicant according to state law.

As a result, I'd suggest that the CRC review all of these changes to see if that is indeed true and if the other changes have any legal issues. If that turns out to be the case, the CRC might want to recommend a change to these items to bring us into compliance with state law.

Commented [R074R73]: Edited by Art Rodriguez to remove 15 day requirement.

Section 5.04 Election. Candidates for the Council shall file for a specific office, designated by Place number or Mayor, and the Mayor and the Council Member for each Place shall be elected by ~~plurality~~ majority vote. In the event no candidate for an office receives a ~~plurality~~ majority of the votes cast for that office in the ~~G~~general or ~~S~~special ~~E~~election, the Council shall, upon completion of the official ~~C~~eanvass, order a ~~R~~run-~~O~~ff ~~E~~election among the ~~two (2)~~ candidates who ~~received tied for~~ the highest number of votes. The ~~R~~run-~~O~~ff ~~E~~election shall be held ~~on the third Saturday following the Ceanvass of the vote in the Ggeneral or Sspecial Eelection in accordance with State Law.~~

ARTICLE VI - INITIATIVE, REFERENDUM, AND RECALL

Section 6.01 Power of Initiative. The ~~people~~Residents of the City reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any ~~O~~rdinance "~~Initiated Ordinance,~~" not in conflict with this Charter or ~~S~~tate law, except an ~~O~~rdinance appropriating money or repealing an ~~O~~rdinance appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges. Any ~~I~~nited ~~O~~rdinance may be submitted to the Council by an ~~I~~nitiative ~~P~~petition signed by ~~registered~~ qualified voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last ~~G~~general ~~C~~ity ~~E~~election. When such a circulated ~~P~~petition has been certified as sufficient by the City Secretary, the Council shall proceed in compliance with this ~~a~~Article.

Section 6.02 Power of Referendum. The ~~people~~Residents reserve the power to approve or reject at the polls any legislation enacted by the Council which is a proper subject for the initiative process under this Charter, except for the limitations specified in this Article and in Section 8.10. An ~~E~~mergency ~~O~~rdinance enacted for the immediate preservation of the public peace, health or safety is not subject to ~~R~~referendum if it contains a statement declaring a specific emergency and the requirement for immediate and urgent action. Referendum ~~P~~petitions shall be signed by ~~qualified-registered~~ voters of the City equal in number to at least ~~tenfifteen (105)~~ percent of the number of registered voters who resided in the City on the date of the last ~~G~~general ~~C~~ity ~~E~~election. When such a ~~P~~petition has been certified as sufficient by the City Secretary, the Council shall proceed in accordance with the requirements of this ~~A~~article.

Section 6.03 Petition Requirements for Ordinances. Initiative ~~P~~petitions shall contain the full text of the proposed legislation in the form of an ~~I~~nited ~~O~~rdinance including a descriptive caption. ~~Referendum-p~~Petitions shall contain the full text of the ~~Referred~~disputed ~~O~~rdinance. All ~~P~~petitions shall be prepared, submitted, circulated and certified in accordance with the requirements of this ~~A~~article.

Section 6.04 Commencement of Proceedings. Any five (5) ~~qualified-registered~~ voters of the City may commence an ~~I~~nitiative, ~~R~~referendum or ~~R~~ecall proceeding by filing with the ~~C~~city ~~S~~ecretary a statement signed by them, together with the complete form of a ~~P~~petition proposed to be circulated, including signature pages and the full text of the ~~I~~nited~~ive~~ ~~O~~rdinance, the

Commented [R075]: From Roberts

Introduction of Council Districts

- Transition from entirely at-large representation to a mix of district-based and at-large council members.

Proposed structure:

The City Council shall be comprised of members elected from designated districts and at-large positions. The Council shall consist of [X] members elected by district, [Y] member(s) elected at-large, and the Mayor, who shall also be elected at-large."

• Rationale:

- Ensure representation of diverse geographic areas within the city.
- Maintain at-large positions to provide broader perspectives on citywide issues.
- Establish a process for determining district boundaries to ensure equitable representation.

From Prince:

Topic six: (Article V) Election topics

1. Should council seats all remain "at-large" vs "geographical"? Historically there have been many cases of council members running unopposed to some of the at-large Place seats. Is Lago Vista large enough to consistently support any geographical based seats? How would they be defined? (North/South of Dawn is the current partitioning for roadway impact fees. No other city partitioning is currently defined).
2. Should Elections continue to be by individual places vs all candidates run equally for City Council, and those receiving the most votes are elected. As is, incumbents must run in the same seat, other candidates declare a place they are running for (effectively running against an individual). We have seen elections with multiple candidates for one seat and unopposed candidates for other seats. Would it be better to simply take the top 3 candidates across all seats?

Commented [R076]: From Saum:

3. I am open to districts, as I have heard historically certain groups were able to dominate the elections and get their folks as the majority of the Council. Districts could prevent one geographic area from having the majority. I would think it would be split up to be those around the airport as one district, Tessera is likely another district, owners around the municipal golf course is another, Southern most Lago and then old lago could be the others. I think you would still want two at large districts, one of which is the Mayor. However, I can understand the pushback on districts as well and I am fine with whatever the CRC decides. ... [16]

Commented [R077]: Edit by Art.

Commented [TP78]: Article VI is somewhat convoluted, difficult to understand and contains duplicative clauses but, I'm not sure we want to hassle with modifying all that. I've tried to clarify as much as possible.

Commented [TP79]: Reduced from 15% to 10% as approved at CRC 5/7/25 meeting.

844 ~~Referred~~ Ordinance-~~reconsidered~~, or the grounds for the Recall, as applicable. Any Ordinance
845 set forth in the Ppetition shall be complete and in proper form including the caption.
846

847 The City Secretary shall place the time and date on the Ppetition and documents when filed and
848 may refer the same to the City Manager for subsequent forwarding to the City Attorney for review
849 and recommendation for compliance with this Charter if deemed appropriate; provided that
850 neither the City Secretary nor the circulators of the Ppetition shall be bound by any
851 recommendation made by the City Attorney. The City Secretary shall examine the filing for
852 sufficiency as to form and, if ~~sufficient, shall certify~~ if said filing and place the time and date of
853 the certification for circulation on such Ppetition and documents. The City Secretary shall provide
854 a certified copy of such filing as certified for circulation to the person presenting same and file a
855 copy of the certified documents and Ppetition in the archives of the City.
856

857 The circulated Ppetition must be returned and re-filed with the City Secretary within forty-five
858 (45) calendar days after the date the Ppetition is certified for circulation. Signatures obtained prior
859 to the date of such certification shall be invalid and a Ppetition returned after the expiration of
860 forty-five (45) calendar days shall not be considered.
861

862 **Section 6.05 Initiative Petition.** When the Council receives an Initiative, Ppetition certified by
863 the City Secretary to be sufficient, the Council shall either:
864

- 865 a. Adopt the Initiative Ordinance without amendment within thirty (30) calendar
866 days after the date of the certification ~~to the Council~~; or
- 867 b. Submit the Initiative Ordinance without amendment to a vote of the
868 ~~qualified~~ registered voters of the City. The Special Election on the Initiative
869 ~~proposed~~ Ordinance shall be held on the next available uniform election date
870 authorized by State law that is forty-five (45) calendar days or more after the
871 expiration of the thirty (30) calendar days provided in (a) above. The called
872 Special Election may coincide with a General City Election should such
873 General City Election fall within that specified period; or
- 874 c. At an Election, submit to a vote of the qualified registered voters of the City the
875 Initiative Ordinance without amendment, and an Alternative Ordinance on the
876 same subject proposed by the Council. The Election on the Alternative Ordinance
877 shall be held on the next available uniform election date authorized
878 by State law that is forty-five (45) calendar days or more after the thirty (30)
879 calendar days provided in (b) above. The called Special Election may coincide
880 with a General City Election should such General City Election fall within the
881 specified period. If an Initiative Ordinance and an Alternative Ordinance
882 proposed by the Council are submitted at an Election and neither of such
883 Ordinances receives a majority vote, only the Ordinance receiving the highest
884 number of votes shall be adopted.

885 No Ordinance on the same subject as an Initiative Ordinance which has been defeated at any
886 Election may be re-initiated by voters within two (2) years from the date of such Election.

Special Elections on any Initiated Ordinance shall not be held more frequently than once every twelve (12) months.

Section 6.06 Referendum Petition. When the Council receives a Referendum Petition certified by the City Secretary as sufficient, the Council shall either:

- a. Cancel the Referred Ordinance specified in the Petition if it has not gone into effect; ~~or~~
- b. Repeal the Referred Ordinance within thirty (30) calendar days if it has gone into effect; ~~or~~
- c. Submit the Referred Ordinance to the voters at an Special Election. The Special Election on the Referred Ordinance shall be held on the next available uniform election date authorized by State law that is forty-five (45) calendar days or more after the expiration of the thirty (30) calendar days provided in (b) above. The Special called Election may coincide with a General City Election should such General City Election fall within that specified period; ~~or~~
- d. No Ordinance on the same subject as the Referred Ordinance which has been defeated at any Election may be re-submitted to the voters within two (2) years from the date of such Election. Special Elections on any Referred Ordinance shall not be held more frequently than every twelve (12) months.

Section 6.07 Ballot Form and Results of Election. The ballot used in voting upon an Initiated or Referred Ordinance shall comply with Section 5.02(d) and set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance." A Referred Ordinance, an Initiated Ordinance and any Alternate Ordinance proposed by the Council, which are submitted at the same Election shall be appropriately identified as the Initiated or Referred Ordinance and as the Alternate Ordinance proposed by the Council. Any number of Ordinances may be voted upon at the same Election in accordance with the provisions of this Article. A Referred Ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed. An Ordinance submitted and receiving an affirmative majority of the votes cast shall thereupon be effective as an Ordinance of the City. An Ordinance so adopted may not be repealed or amended by the Council prior to the expiration of two (2) years after the Election at which it was adopted.

Section 6.08 Power of Recall. The ~~people~~Residents of the City reserve the power to recall the Mayor or any other Member of the Council and may exercise such power by filing with the City Secretary a valid Recall Petition demanding the removal of the Mayor or a Council Member(s). Such Petition shall be signed by qualified registered voters of the City equal in number to at least ~~five ten (105) percent~~ of the number of registered voters who resided in the City at the time of the last General City Election. The Petition shall be signed and verified as required by Section 6.12 and shall contain a specific statement of the grounds for which the removal is sought. One of the signers of each Petition shall make an affidavit that the statements therein made are true. A separate Petition is required for each elected official to be Recalled.

Commented [TP80]: Reduced from 10% to 5% as approved at CRC 5/7/25 meeting.

The Recall Petition process shall begin with the filing of a written notice of intent with the City Secretary. This notice shall be signed by five (5) qualified registered voters of the City and shall state the name of the elected official to be Recalled. The filing date of this notice shall be the formal beginning of the Recall process. All Ppetition signatures shall be collected and the Ppetition filed with the City Secretary in accordance with the requirements specified in Section 6.12.

(Rev. November 2, 2021)

Section 6.09 Recall Election. Within fifteen (15) business days after the date of the filing of the papers constituting the Recall Ppetition, the City Secretary shall certify the signatures and Ppetition as sufficient or insufficient, and, if sufficient, present such certified Ppetition to the Council at the next Regular meeting for which the required notice may be given.

The Council Member(s) whose removal is sought may, after such Recall Ppetition has been presented to the Council, request in writing to the Council at the next Regular Mmeeting that a public hearing be held to permit that Officer, and a representative of the petitioners, to present facts pertinent to the charges specified in the Recall Ppetition. In this event, the Council shall order such public hearing to be held not less than five (5) business days nor more than fifteen (15) business days after receiving such request for public hearing.

If the Officer whose removal is sought does not resign, then it shall be the duty of the Council to order an Recall Election. The Special Election shall be held on the next authorized uniform election date for which notice may be given as required by State law. Said Special ealled Election may coincide with a General City Election should such General a City Election fall within the specified period.

Section 6.10 Results of Recall Election. If an equal number or a majority of the votes cast at a Recall Election shall be against removal of the Mayor or Council Member(s) named on the ballot, he/she shall continue in office. If a majority of the votes cast at such Election be for the removal of the Mayor or Council Member(s) named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of Section 3.9. A Mayor or Council Member thus removed shall not be a candidate to succeed himself/herself in an Election called to fill the vacancy thereby created.

Section 6.11 Limitations on Recall. No Recall Ppetition may be filed against any Officer of the City within six (6) months after his/her eElection or appointment, or within the three (3) months preceding the expiration of his/her term of office, or more than once during any two (2) year term of office.

(Rev. November 2, 2021)

Section 6.12 Petition Form and Certification. Petitions for Initiative, Referendum and Recall shall:

- a. Be written;

Commented [R081]: From Art:
Deleted reference to 2 year term.

- 974 b. Be signed in ink or indelible pencil by ~~qualified~~registered voters as the person's
975 name appears on the most recent official list of registered voters;
- 976 c. Include each person's residence address including street and number and printed
977 name;
- 978 d. Include the date each signature is affixed. Signatures need not be affixed to only
979 one paper. However, one of the signers of each separate Ppetition shall make an
980 affidavit that they, and they only, personally circulated such Ppetition and that each
981 signature appended thereto was made in their presence and is the genuine
982 signature of the person whose name it purports to be. No signature shall have been
983 placed on the Ppetition prior to the date certified for circulation under Section 6.04
984 nor more than forty-five (45) calendar days after that date. Identical copies of the
985 Ppetition may be circulated, filed as one Ppetition, and the signatures of the several
986 Ppetitions aggregated, provided that in every instance a complete Ppetition is
987 circulated and all signatures are made on a complete Ppetition; and-
- 988 e. Within fifteen (15) business days after a Ppetition is filed, the City Secretary shall
989 examine the Ppetition and certify the pPetition as sufficient or insufficient and
990 submit the results to the Council at the next regular meeting for which notice may
991 be given. The certification shall clearly state the number of persons found on the
992 Ppetition who are ~~qualified~~registered to vote and the number of persons found on
993 the Ppetition who are not ~~qualified~~registered to vote. If the certificate of the City
994 Secretary shall show a Ppetition to be insufficient, the City Secretary shall notify
995 the person(s) filing the Ppetition, and it may be amended within ten (10)
996 businessworking days from the date of such notice by filing additional papers
997 signed and submitted as provided for in the original Ppetition. Within ten (10)
998 businessworking days after such additional papers are filed, the City Secretary
999 shall examine the said papers and certify as to their sufficiency. If the Ppetition is
1000 still found to be insufficient, the City Secretary shall return the Ppetition to the
1001 person filing same, provided, however, that upon finding the total Ppetition to be
1002 insufficient, no new Ppetition covering the same subject matter shall be filed until
1003 one (1) year shall have elapsed from the date of filing of the original Ppetition.

1004 ARTICLE VII BOARDS AND COMMISSIONS

1005 **Section 7.01 Establishing Boards and Commissions.** The Council shall have authority to
1006 establish, by Ordinance, such boards and commissions as it may deem necessary for the conduct
1007 of the business and affairs of the City. Except as otherwise provided by State law, each such
1008 board and commission shall be advisory and the composition, authority, functions, and
1009 responsibilities thereof and the qualifications and procedures for the appointment and removal of
1010 their members shall be set forth in the enabling Ordinance. All existing boards and commissions
1011 heretofore established shall be continued in accordance with the Ordinance or Resolution
1012 pursuant to which each has been created until the Council shall by Ordinance repeal or amend
1013 the Ordinance or Resolution. The Council shall make appointments to boards and commissions
1014
1015

unless otherwise provided by Ordinance. The term of each appointee shall be as described in the enabling Ordinance.

Section 7.02 Qualifications and Terms of Office. In addition to any qualifications prescribed by Ordinance, each appointee to City boards and commissions shall:

- a. Be a registered voter of the City;
- b. Be a resident of the City and have resided therein for at least twelve (12) consecutive months preceding his/her appointment; and
- c. Not be in financial arrears to the City for any reason.

The above provisions shall not preclude the Council from waiving the voter and residency requirements for less than a quorum of the members of a board or commission that has advisory powers only, when it is deemed to be in the best interests of the City. The waiver shall apply only to the number of members specified in the Ordinance establishing the board or commission, which number shall be less than a majority of the members of the board or commission.

Section 7.03 Planning and Zoning Commission. A Planning and Zoning Commission is established to perform such duties and functions as are required or authorized by State law, this Charter and the enabling Ordinance. The number of members and additional duties of the Planning and Zoning Commission shall be provided by Ordinance.

Section 7.04 Board of Adjustment. A Board of Adjustment is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.

Section 7.05 Building and Standards Commission. A Building and Standards Commission is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.

(Rev. November 3, 2015)
(Rev. November 6, 2018)

ARTICLE VIII - FINANCIAL PROCEDURES

Section 8.01 Fiscal Year. The fiscal year of the City shall begin on the first day of October of each year and end on the thirtieth day of September of the following year.

Section 8.02 Submission of Budget. The city-Ceouncil shall provide by Oerdinance the procedures for administration and fiduciary oversight of the budget. The City Manager, prior to August first of each year, shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying budget message.

Commented [R082]: The CRC discussed limiting BOA members from participating on any other boards or commissions from which BOA might hear appeals. Ultimately, CRC took no position and left to council discretion.

Commented [R083]: Sec 7.05 added per 5/21 meeting

Commented [R084]: From Sullivan

Sections 8.02-8.06 Budget – The Charter is somewhat quiet about the role of Council in the Budget process. The City Manager is required to submit a budget by August 1st and the Council's only official actions on the Budget take place after that submission. The CRC might want to review these sections to determine, what, if any, actions or authorities the Council should have related to the Budget and the timing of those actions or authorities. The CRC may determine no changes are necessary, which is perfectly fine.

Commented [R085]: Recommendation on 5/21 to clarify council's role in budget preparation.

Section 8.03 Budget Message. The City Manager's budget message shall outline the Capital Improvement Program and the proposed financial policies for the ensuing fiscal year, with explanations of any substantive change from the previous year in expenditures and any major changes of policy, along with a complete statement regarding the financial conditions of the City.

Section 8.04 Budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. It shall contain all items and contents required by State law. The total of proposed expenditures shall not exceed the total of estimated income plus any accumulated surplus. The budget shall indicate at least:

- a. An estimate of all revenue from taxes and other sources, including the present and proposed tax rate and the estimated property evaluation for the ensuing year;
- b. A carefully itemized list of proposed expenses by office, department and agency for the budget year, as compared to actual expenses of the last ended fiscal year and the present year-to-date;
- c. A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest and maturity date, as well as any other current indebtedness of the City; and
- d. A statement proposing any capital expenditures deemed necessary to undertake during the ensuing budget year and recommended provisions for financing.

Section 8.05 City Council Action on Budget. At the Council meeting when the proposed budget is submitted, the Council shall call a public hearing for a set time, date and place. Notice of such public hearing shall be published in a newspaper of general circulation in the City and posted on the City's website and such notice shall include the date, time, place and subject thereof. The notice shall be published at least ten (10) business days before the date of the public hearing, and, at the hearing, interested ~~citizens~~Residents may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any item of expense. After the public hearing, the Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by State law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income plus any accumulated surplus. The Council shall adopt the budget by Ordinance. If it fails to adopt the budget by September 30th, the budget proposed by the City Manager shall go into effect until such time as the Council adopts a budget.

Section 8.06 Amendments after Adoption. If during the fiscal year, the City Manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the Council by Ordinance may make supplemental appropriations for the year up to the amount of such available funds. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. The Council shall have the power to borrow money on the credit of the City and to issue certificates of obligation, time warrants, notes or other evidence of debt in order to cover any emergency. If at any time during the fiscal year it

appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the shortfall, any remedial action taken and recommend any other steps to be taken. The Council shall then take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by Ordinance reduce one or more appropriations. At any time during the fiscal year, the Council may, by Ordinance, transfer part or all of the unencumbered appropriation balance from one department to the appropriation for other departments or purposes: The City Manager may transfer part or all of any unencumbered balances among programs within a department and shall report such transfers to the Council in writing in a timely manner.

Section 8.07 Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; but the appropriation shall expire if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 8.08 Capital Improvement Program. The City Manager shall prepare and submit to the Council a five (5) year Capital Improvement Program ("CIP") at the same time each year as he/she submits the proposed budget. The CIP shall specify Year 1 as and in conjunction with the proposed annual operating budget and carry plans forward through the subsequent years. The following budget year, Year 2 of the CIP (with or without amendment) becomes Year 1 and the plan is extended out another year to maintain the five (5) year horizon. The CIP Capital Improvement Program shall include:

- a. A clear general summary of its contents;
- b. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for each;
- c. Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- d. The method of financing proposed for each capital project expenditure;
- e. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- f. Any capital improvements contemplated by any proposed Annexation or the Annexation Plan.

The CIP shall be revised and extended each year with regard to capital expenditures and improvements pending or in process of construction or acquisition.

Commented [R086]: From Sullivan

Section 8.08 (f) should be reviewed for Scrivner's errors.

Section 8.09 Public Records. Copies of the budget, ~~CIP, capital improvements program~~ and appropriation and revenue ~~O~~rdinances shall be public records and shall be made available to the public at ~~suitable places~~ in the City.

Section 8.10 Bonds and Other Financial Obligations. The Council shall have the power to borrow money on the credit of the City and to issue bonds, certificates of obligation, warrants, notes or other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by ~~s~~State law or this Charter. Notwithstanding any other provision of this Charter to the contrary, ~~O~~rdinances authorizing the issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, or ~~O~~rdinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness, shall require two (2) ~~R~~eadings. Any ~~Bond P~~petition protesting issuance of bonds or certificates of obligation shall comply with applicable State law and any ~~E~~lection held shall be conducted in the manner for bond ~~E~~lections under Chapter 1251, Government Code. The issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness shall be subject only to the following limitations:

- a. No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote of the ~~citizens~~Residents voting at an ~~E~~lection held for such purpose;
- b. No indebtedness or obligation shall be issued except in compliance with the requirements of ~~S~~tate law;
- c. No form of indebtedness other than general obligation bonds approved by public vote may be issued without a public hearing being held; and
- d. Prior to the required public hearing notice of such hearing shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the City and posted on the City's website;
- e. The published notice shall clearly summarize the relevant statutory provisions providing for a ~~Bond P~~petition and ~~E~~lection; give the time, date and place at which the public hearing will be held, and the time, date and place at which the issuance of the indebtedness is planned to be authorized; and the manner and funding source proposed for the payment of the debt obligations; and
- f. The authorization for bonds authorized but not issued shall expire ten (10) years after the date of authorization.

(Rev. November 2, 2021)

Section 8.11 Issuance of Tax Obligations; Petition and Election. Regardless of any other sources for payment of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, if any such obligation pledges ad valorem taxes, the debt instruments may not be issued unless the City publishes notice of its intention to issue these debt instruments. The notice shall be published as required by ~~S~~tate law, and if not required by ~~S~~tate law it shall comply with this section. The notice must be posted on the City's website and published once a week for two

Commented [TP87]: What does the mean? Define suitable places.

Commented [TP88R87]: Agreed at 5/21/25 CRC mtg to leave as is.

Commented [TP89]: Is Bond Petition the correct name for this Petition?

(2) consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, as amended, that is of general circulation within the City, with the date of the first publication to be ~~prior to~~ before the 14th day before the date tentatively set for the passage of the ~~O~~order or ~~O~~ordinance authorizing the issuance of the certificates. The notice shall state the:

- a. Time and place tentatively set for the passage of the ~~O~~order or ~~O~~ordinance authorizing the issuance of the certificates or obligations;
- b. Maximum amount and purpose of the certificates or other obligations to be authorized; and
- c. Manner in which the debt instruments will be paid for, whether by taxes, revenues, or a combination of the two.

Unless provided otherwise by ~~S~~state law, if before the date tentatively set for the authorization of the obligations, the City Secretary receives a ~~Bond P~~petition, signed by ~~qualified registered~~ voters equal in number to at least five (5) percent of the number of registered voters in the City at the time of the last ~~G~~general ~~city~~-~~E~~election, protesting the issuance of the debt instruments, the City may not authorize the issuance of the obligations unless the issuance is approved at an ~~E~~election ordered, held and conducted in the manner provided for bond ~~E~~elections under ~~State Texas~~ law. (Rev. November 2, 2021)

Section 8.12 Issuance of Revenue and General Obligation Bonds. The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or facilities for any other self-liquidating municipal function not now or hereafter prohibited by ~~S~~state law, and to issue revenue bonds to evidence the obligation thereby created. Such bonds, when issued, shall be a charge upon and payable solely from the properties acquired or interest therein and the income there from, and shall never be debt of the City. The Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

Section 8.13 Compliance with State law. The City shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by ~~S~~state law, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds shall be issued in conformity with the ~~S~~state law.

Section 8.14 Interest and Sinking Fund. The Council shall levy an annual tax sufficient to pay the debt service and maintain the required interest and sinking fund on all outstanding general obligation bonds of the City, and all other bonds as required by ~~S~~state law or bond covenant. The interest and sinking fund for each such bond issue shall be deposited in a separate account and shall not be diverted to or used for any other purpose during the time that any such bond is outstanding, other than to pay the interest and principal on such bonds. The interest and sinking

fund maintained for the redemption of any debt may be invested in any interest-bearing bond of the United States of America, the State of Texas, or any other investment authorized by law.

Section 8.15 Independent Audit. At the close of each fiscal year and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its Officers. Upon completion of the audit, the auditor shall make a public report to the Council and the audited financial statement shall be filed with the City Secretary.

Section 8.16 Purchasing and Contracts. All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the applicable State law governing competitive bids. If State law does not govern and regulate purchasing and competitive bidding by home-rule cities/municipal corporations, the Council shall provide such regulations by Ordinance.

ARTICLE IX - TAXATION

Section 9.01 Powers of Taxation. The Council shall have the power to levy all types of taxes that are not inconsistent with State law, including, but not limited to, motel/hotel occupancy taxes, occupational taxes, use taxes, alcohol taxes, and ad valorem taxes on all real, personal and mixed property within the City that is not exempt from taxation.

Section 9.02 Procedures. The procedures, limitations, and requirements for the levy, assessment, and collection of any tax or lien therefore shall be as established by State law; provided that, if not established by State law, such procedures, limitations and requirements shall be established by Ordinance.

Section 9.03 Tax Lien and Liability. All taxable property within the City on the first day of January each year shall stand charged with a special lien in favor of the City for ad valorem taxes, and the owner of such property on that date shall be personally liable therefore, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the City as authorized by State law, or by the City withholding the payment of any debt or obligation owed to such owner or person by the City; by reducing the amount of any debt owed to such owner or person by the City by an amount equal to the unpaid taxes, penalties and interest; or otherwise by counter-claim and offset in any legal proceeding.

Section 9.04 Collection of Taxes. The City may contract with the Travis County Tax Assessor-Collector or any other qualified entity to collect taxes for the City. The Council may create a City office or a department with the duties of tax collection. If created, the City Manager shall appoint an individual as City Tax Collector to collect taxes and to perform such other duties as assigned. The Tax Collector shall give a fidelity bond, the cost to be borne by the City. The amount

of such bond shall be set by the Council but shall not be less than the amount of tax collections under ~~the Tax Collector's his or her~~ control at any one time. All taxes due the City shall be payable at such place as authorized by Sstate law or the City Council. All taxes due the City shall be due and payable when and as provided by Sstate law or Ordinance. Ad valorem taxes may be paid at any time after the tax rolls for the year have been completed and approved. If the due date for ad valorem taxes is not set by Sstate law or Ordinance, the due date shall be the 1st day of February following the levy, and all such taxes not paid on or before the due date shall be deemed delinquent and shall be subject to such penalty and interest as provided by State law. The City Council may provide further by Ordinance, that all delinquent taxes due the City may be paid in installments. Failure to levy and assess taxes shall not relieve the persons, firm, corporation or property, so omitted from obligation to pay such current or past-due taxes, and all such persons, entities, and property shall be and remain liable for the taxes that would have been assessed for any prior or current year had the property been rendered or the taxes levied and assessed.

Commented [TP90]: Should this be property owner? How is property obligated or liable to pay taxes?

ARTICLE X - FRANCHISES AND PUBLIC UTILITIES

Section 10.01 Public Services and Utilities. The City shall have the full power and authority to:

- a. Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, race tracks, transportation, communications, golf courses, cemeteries, cable television, or any other public service or utility;
- b. Purchase, manufacture, produce, sell or provide its own electricity, gas, water or any other product, good, article or commodity that may be required or desired by the public for municipal purposes, and contract with any person, entity or utility to accomplish any such purpose;
- c. Distribute and/or sell any utility, commodity or service, and mortgage, encumber and operate any public utility or public service system;
- d. Regulate and control the distribution of utilities and services within the City and establish standards of service and quality of products; and
- e. Establish and enforce rates to be paid by consumers and users of any utility or service provided within the City, and, if provided by the City, outside of the City.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain to acquire all or part of the property of any public utility or public service provider within the City whenever found by the Council to be in the public interest for carrying out the objectives of providing utilities or services within the City. Any such eminent domain or condemnation proceeding shall be according to the procedures and the methods of establishing the value of the property and facilities as provided by Sstate law, and if such procedures or methods are not so provided by Sstate law as reasonably provided by Ordinance.

1312
1313 **Section 10.02 Franchises.** The Council shall have the power and authority to grant Ffranchises
1314 for the use and occupancy of streets, avenues, alleys and any and all public property belonging to
1315 or under the control of the City. No individual, organization, entity, political subdivision,
1316 corporation, public utility, or any provider of public service shall provide any service within the
1317 City requiring the use or occupancy of any street, public right-of-way or property without first
1318 being granted a Ffranchise or permit to use such City facilities. The Ffranchise Oerdinance or
1319 permit shall fully describe the terms of the Franchise agreement and, regardless of the title given,
1320 shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to
1321 protect the interests of the eitizensResidents and shall include but not be limited to the terms
1322 prescribed in this Charter. No Ffranchise Oerdinance or permit shall be granted prior to a public
1323 hearing for which ten (10) business days-notice is given.

1324
1325 **Section 10.03 Franchise Limitations.** No exclusive Ffranchise shall ever be granted, unless
1326 specifically provided for by Sstate law, and Ffranchises shall be transferable only upon
1327 authorization of the Council expressed by Oerdinance. A Ffranchise may not be transferred except
1328 to a person, firm or entity taking all or substantially all of the Ffranchise's business in the City.
1329 The expiration date of all Ffranchises shall be specified, and the term thereof may be extended or
1330 renewed only by Oerdinance.

1331
1332 **Section 10.04 Franchises for Public Utilities.** The Council shall have the power to grant, amend,
1333 renew or extend by Oerdinance, or to deny, the Ffranchise of all public utilities of every character
1334 serving the City, including, but not limited to, persons or entities providing electricity, gas, water,
1335 sewage, or telephone service, or any similar commodity or utility to the public. The effective
1336 period of public utility Ffranchises may be set by the Council but shall not exceed twenty (20)
1337 years unless such extended term is specifically approved by a majority of the registeredqualified
1338 voters at an Eelection held for that purpose.

1339
1340 **Section 10.05 Franchises for Public Services.** The Council shall have the power to grant, amend,
1341 renew or extend by Oerdinance, or deny, the Ffranchise of all providers of public services to the
1342 City. Public services include, but are not limited to, emergency ambulancee-services (e.g., fire,
1343 ambulance, etc.), cable television services, transportation services, sanitation services, and any
1344 other service or business using the public streets or property within the City to provide service.
1345 The effective period of public service Ffranchises may be set by the Council but shall not exceed
1346 ten (10) years.

1347
1348 **Section 10.06 Regulation of Franchises.** All grants of Ffranchises as authorized in this Charter
1349 shall be subject to the right of the Council to:

- 1350
- 1351 a. Determine, fix and regulate the charges, rates or compensation to be charged by
1352 the person or entity granted a Ffranchise;
 - 1353 b. Repeal the Ffranchise by Oerdinance at any time upon the failure or refusal of the
1354 Ffranchisee to comply with the terms of the Ffranchise, this Charter, or any
1355 applicable City Oerdinance or sState law, or any valid rule of any regulatory body;

- 1356 c. Establish standards and quality of products or service;
- 1357 d. Require such expansion, extension and improvement of plants and facilities as are
- 1358 necessary to provide adequate service to all the public and to require that
- 1359 maintenance of facilities be performed at the highest reasonable standard of
- 1360 efficiency;
- 1361 e. Prescribe the method of accounting and reporting to the City so that the
- 1362 Ffranchisee will accurately reflect the expenses, receipts, profits and property
- 1363 values used in rendering its service to the public. It shall be deemed sufficient
- 1364 compliance with this requirement if the Ffranchisee keeps its accounts in
- 1365 accordance with the uniform system established by an applicable federal or Sstate
- 1366 agency for such service;
- 1367 f. Examine and audit at any time the accounts and other records of any Ffranchisee
- 1368 and to require annual and other reports prescribed in the Ffranchise Oordinance;
- 1369 g. Require such compensation, regulatory, rental and Ffranchise fees unless as may
- 1370 not be prohibited by State law;
- 1371
- 1372 h. Impose such regulations and restrictions as may be deemed desirable or conducive
- 1373 to the health, safety, welfare and accommodation of the public;
- 1374 i. Require every Ffranchise holder to allow other Ffranchise holders to use its
- 1375 facilities if the Council considers such joint use to be in the public interest. In the
- 1376 event of joint use, reasonable terms of use may be imposed by, and a reasonable
- 1377 rental paid to the owner for the use of suchthe facility. If the Ffranchise holders
- 1378 are unable to agree on terms and/or rentals for the joint use of facilities, the
- 1379 Council shall, after notice and hearing, set reasonable terms and fix a reasonable
- 1380 rental application to such joint use; and
- 1381 j. In the event of any damage or destruction to public or private property by
- 1382 Franchisee, rRequire saidthe Ffranchisee to restore, at its expense, suchall public
- 1383 or private property to a condition equal to or better than that before being damaged
- 1384 or destroyed by the franchisee.

Commented [TP91]: Reworded for clarity.

1385

1386 **Section 10.07 Penalty Authorized.** The Council shall have the power and authority to review

1387 any Ffranchise at any time and to assess a penalty against the Ffranchisee for its failure to comply

1388 with the Ffranchise, this Charter, the Oordinances of the City or the laws of the State. If in the

1389 opinion of Council, the requirements of the Ffranchise, Charter, Oordinances or Sstate law are

1390 not being complied with, the Council shall so notify the Ffranchisee in writing stating the

1391 provisions the Ffranchisee has failed to comply with and setting a time for a hearing and deadline

1392 for correction of the noncompliance. The Council may assess and enforce a reasonable penalty

1393 based upon the facts, issues and circumstances determined at the hearing if noncompliance is

1394 found. If the Ffranchisee does not correct the noncompliance within a reasonable time established

1395 by the Council for correction, the Council may repeal or cancel the Ffranchise.

1396

Section 10.08 Franchise Value Not To Be Allowed. In determining the just compensation to be paid by the City for any public utility or public service property or facilities which the City may acquire by condemnation or otherwise, no value shall be assigned to any Ffranchise granted by the City.

Section 10.09 Extensions. Unless provided otherwise in the Ffranchise or limited by a Certificate of Convenience and Necessity held by the franchisee, franchisees shall be required to extend services to all parts and portions of the City. All extensions of any public utility lines, conduit, pipe or systems shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Chapter and the Ffranchise. The right to use and maintain any such extension shall terminate with the Ffranchise.

Section 10.10 Other Conditions. All Ffranchises heretofore granted are recognized as contracts between the City and the Ffranchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- a. The power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved;
- b. The general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced; and
- c. The Council shall review each Ffranchise at its first renewal date subsequent to the adoption of this Charter and shall cause the Ffranchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the Ffranchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing Ffranchise.

Section 10.11 Election Required. No City owned electric utility, gas, water, sewer, cable television, or telecommunications system, park, swimming pool, or other utility shall ever be sold or leased without authorization by a majority vote of the registeredqualified voters of the City voting at an Eelection held for such purpose.

Section 10.12 Contracts Concerning City Property. The Council shall have the power to grant, amend, renew or extend contracts as follows:

- a. When not detrimental to the public interest and there will be no inconvenience or expense to the public, the Council may grant a license to occupy a small area of property for any purpose for which licenses are commonly used by Texas cities; and
- b. For the operation and management of City owned facilities such as swimming pools, civic centers, parks, golf courses, water and wastewater treatment plants and any other such property; provided that no such contract shall be let except

Commented [R092]: From Sullivan

Section 10.12 (a) - Contracts Concerning City Property – This section of the charter reserves the right to lease city owned property to the City Council. No other person or body is granted the right to lease city owned property. At some point, the City Council passed an ordinance making us a film friendly city. Part of that ordinance was to delegate to the City Manager the right to lease city property. My contention has always been that the City Council does not have the right to pass an ordinance that invalidates a portion of the City Charter. Only the citizens, through an election, can amend the charter. I think it might be a good idea for the CRC to review this section and the related ordinance. If the CRC believes that the City Council does not have the authority to delegate authority to someone not authorized for that right/power by the charter, an amendment to the charter making this clear might be in order.

Commented [R093R92]: After discussion, the CRC felt that council as a body has the right to delegate matters to staff, including leasing property and such delegation does not necessarily require Charter language to authorize delegations.

Commented [TP94]: For what purposes are licenses commonly used — any business that operates in the City? Need a more specific definition.

upon opportunity for competitive bids and proposals, not to exceed a term of five (5) years unless approved at an Election held for such purpose.

ARTICLE XI - GENERAL PROVISIONS

Section 11.01 Oath of Office. All Officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Texas state Constitution. The oath shall be administered by a person authorized by State law to administer oaths.

Section 11.02 Bonds for City Employees. The Council may require good and sufficient bond or equivalent be given by appointed Officers or employees handling funds of the City; and may require bond of other Officers or employees in its discretion. The expense of any such bond shall be paid by the City.

Section 11.03 Public Records. All public records of the City shall be open to inspection and copying by the public, subject to rules, regulations and exceptions provided by State law and the Council. However, records permitted to be closed to the public by State law shall not be considered public records for the purposes of this Section. The Council may, by Ordinance, provide for the accurate and permanent copying or reproduction of public records by microfilm or other photographic process.

Section 11.04 Conflicts of Interest and Standards of Conduct. No City Official or employee, either elected, appointed or employed, shall have any personal financial interest, direct, indirect or otherwise in any City contract or transaction or by reason of ownership or stock in any corporation or contract with the City; provided, however, that the provision of this Section shall only be applicable when the stock owned by the Officer or employee exceeds one (1) percent of the total capital stock of the corporation. Willful violation of this section by the person or corporation contracting with the City shall render the contract void. Furthermore, breach of this section shall constitute malfeasance in office, resulting in forfeiture of office or position, by any Officer or employee that has an interest in any such contract and participates in the award of any the contract. The Council shall by Ordinance establish rules, procedures and methods of enforcement and penalties relative to conflict of interest and equal treatment.

Section 11.05 Ethics Policy and Code of Conduct. The Council shall adopt and from time to time modify and amend an ordinance providing an ethics policy and code of conduct applicable to the Officers, employees, boards and commission members of the City. The ethics policy and code of conduct may provide penalties for violations, up to and including removal from office, on the concurrence of the Council or the City Manager, as applicable.

Section 11.06 Acceptance of Gifts. No Officer or employee of the City shall accept directly or indirectly, any non-cash item, gift, favor, or privilege, or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or

Commented [R095]: Councilor Roberts suggested adding whistleblower protection. Is Sec 11 appropriate place if CRC recommends?

Inclusion of Staff Whistleblower Protections
• Add a new provision to explicitly protect staff who communicate with elected officials regarding policy, operations, or other concerns:
"City employees shall have the right to communicate with any elected official without fear of reprisal. This includes raising concerns regarding policy, operations, or employment matters. Any retaliation against employees for exercising this right is prohibited."

Commented [R096R95]: See sec 11.19 addition.

Commented [R097]: Deletion recommended 6/4 if can be considered a non substantial edit.

Commented [TP98R97]: Reverted to original language as per attorney, that although inconsequential, this is a substantive change.

Commented [TP99]: There is a limit on non-cash gifts valued at greater than \$50 that State employees can receive. (Penal Code Section 36.10(a)(6). Recommend referencing "in accordance with State law" or the Texas Ethics Commission Guide to Ethics Laws for State Officer and Employees.

seeking to do business with the City. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

Section 11.07 Notice of Claim Against City. Except as provided for by the Texasstate Constitution or a Statestatute law in conflict herewith, the City shall not be liable for any damages, attorney fees, costs of court, or other monies regarding any matter whatsoever, unless notice shall have first been given to the City in compliance with this Section, as follows:

- a. Before the City shall be liable for any damage, claim or suit, attorney fees or costs of court, arising out of or for any personal injury or damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing duly certified within ninety (90) calendar days after the date of the alleged damage, injury, or violation of statutory duty or right, stating specifically in such notice when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) calendar days after such the death(s) of the injured person give notice as required above; and-
- b. Before the City shall be liable for any damages, attorney fees, court costs, or monies whatsoever, whether arising out of an action authorized by statute for declaratory judgment or similar relief, or for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or damage, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing not less than thirty (30) calendar days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all City Officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and upon request of the City Manager or the City Council meet, confer and negotiate with the City for the purpose of reaching an acceptable compromise and settlement.

Section 11.08 Exemption from Execution and Garnishment. All property and assets of the City shall be exempt from execution and shall not be liable for sale or appropriation by writ of execution. All funds of the City, possessed by any person, firm, or corporation or other entity, shall be exempt from execution and not be liable to garnishment, attachment, or sequestration, on account of any debt the City may owe or funds or property it may have on hand owing to any person. The City and its Officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any

1528 withholding or assignment of wages or funds by its employees, agents, or contractors except as
1529 required by state law.
1530

1531 **Section 11.09 Power to Settle Claims.** The Council shall have the sole authority to compromise
1532 and settle any and all claims and all suits of every kind and character in favor of or against the
1533 City, except suits by the City to recover delinquent taxes.
1534

1535 **Section 11.10 Bribery Prohibited.** No person who seeks appointment, employment, or
1536 promotion with respect to any City office or employment shall, directly or indirectly, give or pay
1537 any money or other thing of value, or render any service, or offer to so give, pay or render, any
1538 valuable thing to any person for or in connection with his/her proposed or actual appointment,
1539 hiring or promotion.
1540

1541 **Section 11.11 Political Activities of City Officers and Employees.** No City Officer or
1542 employee, who receives wages or a salary from the City, shall in any manner solicit or assist in
1543 soliciting any assessment, subscription or contribution for any political purpose whatever from
1544 any City Officer or employee, nor shall such person receive any contribution to the campaign
1545 fund of any other candidate for City office, or participate in the management of the campaign
1546 fund of any other candidate for City office. No ~~m~~Member of, or candidate for, the Council shall
1547 in any manner request or solicit any salaried Officer or employee of the City to make a political
1548 contribution to any candidate for an elective office.
1549

1550 Any person who by himself or with others violates any of the provisions of this section shall be
1551 guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of Five
1552 Hundred U.S. Dollars (\$500). Any person convicted under this Section shall be ineligible to hold
1553 any City office or position for a period of five (5) years after conviction; and shall immediately
1554 forfeit his/her City office, employment or position.
1555

1556 **Section 11.12 Separability.** It is hereby declared that the sections, paragraphs, sentences, clauses
1557 and phrases of this Charter are severable and, if any word, phrase, sentence, paragraph or section
1558 of this Charter should be declared invalid by a final judgment or decree of any court of competent
1559 jurisdiction, such invalidity shall not affect any of the remaining words, phrases, clauses,
1560 sentences, paragraphs or sections of this Charter, since the same would have been enacted without
1561 the incorporation of any such invalid word, phrase, clause, sentence, paragraph or section. If any
1562 provision of this Charter shall be adjudged by a court of competent jurisdiction to be invalid, the
1563 invalidity shall not affect any other provision or application of this Charter which can be given
1564 effect without the invalid provision, and to the fullest extent possible this Charter shall be
1565 construed and read in a manner to give effect to the original intent and meaning of this Charter
1566 as modified only by the deletion of such invalid word, phrase, clause, provision or section, and
1567 to this end the provisions of this Charter are declared to be severable.
1568

1569 **Section 11.13 Charter Amendment.** Amendments to this Charter must be formulated and
1570 submitted to the voters of the City in the manner prescribed by state law.
1571

Commented [RO100]: Councilor Roberts suggested adding an interpretation of conflicts section. Is this an appropriate section to update or add new paragraph?

Addition of a Section Addressing Interpretation Conflicts
• Introduce a new section in the charter to ensure harmonious interpretation of potentially conflicting provisions: "In the event of a conflict or ambiguity between provisions of this Charter, such provisions shall be construed in a manner that most effectively upholds the principles of transparency, accountability, and the individual rights of Council members as set forth in this Charter."

Commented [RO101R100]: CRC recommends adding this language to Sec 11.15, paragraph 2.

Section 11.14 Charter Review. The Council shall appoint a Citizens Charter Review Committee comprised of Residents of the City to periodically review the Charter after its adoption. Charter reviews shall be conducted at least every four (4) years. The Council shall appoint a minimum of three (3) members and no more than six (6) members to serve for a twelve (12) month term, and such term may be extended by the Council. The Charter Review Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held, and the Charter Review Committee shall have the power to compel the attendance of City Officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments.

Section 11.15 Construction of Charter. The powers and authority granted in this Charter shall be liberally construed as general grants of power, and the limitations on the powers of the Council and City government specifically set forth in this Charter shall be liberally construed in the same manner as the Texas Constitution ~~of Texas~~ is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power which would be competent for the people Residents of the City to expressly grant to the City under the Texas Constitution ~~of Texas~~ shall be construed to have been granted to the City by this Charter. Consistent with the intent of this Charter that the City have full power of self-government, the listing or inclusion of specific powers and authority in this Charter shall never be interpreted or construed as a limitation of the City's powers, or as excluding any power or authority not specifically listed. And, to that end, when this Charter refers to grants or limitations on the powers of the City as provided by state law, the term "State law" shall include "federal law" unless the context clearly shows otherwise.

In the event of a conflict or ambiguity between provisions of this Charter, such provisions shall be construed in a manner that most effectively upholds the principles of transparency, accountability, and the individual rights of Council Members as set forth in this Charter.

Section 11.16 Reservation of Defenses. Nothing contained in this Charter or in any Ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law, or State or federal law. No such right, privilege, defense or immunity may be waived except by the City Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

Section 11.17 Applicability of General Laws. In addition to the powers conferred by the Texas Constitution ~~of the State of Texas~~ and State laws statutes applicable to home-rule municipal corporation seities, as now or hereafter enacted, and by this Charter and the Ordinances enacted pursuant hereto, the City shall also have the power to exercise any and all powers conferred by the State laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule municipal corporation State laws statutes and this Charter. However, no limitation or restriction applicable to general law cities shall extend to the City, and

Commented [RO102]: From City Attorney Bullock via Prince.

Does Council have the ability to put proposed charter amendments on the ballot without first going through the Charter Review Committee recommendation and review process? *[CONTEXT: They are considering recommending changing city council term length from 2 years (as is now) to 3 years. They are also considering recommending creating new term limits. They believe that having both on a single year's ballot may be problematic and may prefer recommending council delay the term limit question for a later ballot, but not wait for a future CRC.]*

I heard your answer to be: Council does have the ability at any time, and without CRC input, to initiate a ballot measure asking for approval of a proposed charter change. To clarify the "at any time" comment, under the Texas Constitution, a charter cannot be amended any more than once every two calendar years. With that in mind, this is a correct statement. Sec. 9.004 of the Local Gov't Code provides that a city on its own motion may submit a proposed charter amendment to the voters. Your charter gives the CRC authority to make recommendations, but it does not require the City to accept the recommendations and the Council may propound its own proposed charter amendments.

Commented [TP103]: "Would be competent"??? What does this mean?

Commented [TP104]: This is confusing and should be clarified or stricken. State law and Federal law are two entirely different things.

Commented [RO105]: CRC Addition 6/4/25.

the exercise of any such powers by the City shall be optional ~~at~~ the discretion of the City Council.

Section 11.18 Submission of Charter to Voters. The Charter shall be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on November 02, 2004. Not less than thirty (30) days prior to an election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters.

If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Lago Vista. After the returns have been canvassed, the same shall be declared adopted; and the City Secretary shall file an official copy of the Charter with the records of the City. This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption.

The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Section 11.19 – Whistleblower Protection – In addition to protections in Chapter 554 of the Texas Government Code, City employees shall have the right to communicate with any elected Official without fear of reprisal. This includes raising concerns regarding policy, operations, or employment matters. Any retaliation against employees for exercising this right is prohibited.

Editor's note-This Charter was originally adopted by the voters of the City at an Election held November 2, 2004, and has been subsequently amended at Elections held on November 3, 2015, on November 6, 2018, and on November 2, 2021, and November 4, 2025.

Commented [TP106]: No changes were made to Section 11.18 as agreed upon by the CRC 6/5/205 meeting as this is historical in nature and may be applied if a new charter is adopted in the future.

Commented [RO107]: Whistleblower protection added per 5/21 meeting.

1644 **Exhibit 2025 – 01**

1645
1646 Transition Process for staggering three (3) year terms adopted in 2025 applicable to 2026,
1647 2027, and 2028 elections.

1648
1649 In the first three (3) elections following adoption of three (3) year terms, offices will be elected
1650 following the process as follows:

- 1651
1652 • In the first Election [2026] after adopting three (3) year terms, Places 2, 4 and 6 will be
1653 up for election. Two (2) Places will be elected to serve three (3) years, and one (1)
1654 Place (“Short Term”) will serve a one-time two (2) year term to set up a staggered cycle.
- 1655 • In the second Election [2027] after adopting three (3) year terms, the Mayor and Places
1656 1, 3 and 5 will be up for election. The Mayor and two (2) Places will be elected to
1657 serve three (3) years, and one (1) Place (“Short Term”) will serve a one-time one (1)
1658 year term to set up a staggered cycle.
- 1659 • In the third Election [2028] after adopting three (3) year terms, the two (2) “short terms”
1660 from the prior two (2) elections will be elected to serve three (3) years, completing the
1661 transition to staggered three (3) year terms.
- 1662 • All subsequent elections will be for three (3) year terms for the Mayor and Council
1663 Members, with two (2) places elected each year, and the Mayor elected every third
1664 election.

1665
1666 The transitional “short terms” will be determined as follows:

- 1667 • If there is a single uncontested race, the uncontested race is the “short term”.
- 1668 • If there are no uncontested races, or multiple uncontested races in 2026 and 2027, the
1669 winning candidate with the lowest vote total receives the short term.
1670

Commented [R0108]: Exhibit added to detail the transition to staggered 3 year terms, if adopted. CRC recommends Exhibit rather than imbedding the process in the body of the Charter to prevent confusion by future CRCs.

Reviewing to further restrict city's use of ED for economic or tax purposes suggested by Mike.

the State of Texas has already moved to check this court expansion of ED power. In 2005, in response to Kelo, Texas passed SB7 adding Section 2206 to the Texas government code limiting the power of ED. Further, in 2009 voters amended the Texas Constitution to strengthen property rights in Article I, Section 17 of the Texas Constitution:

(b) In this section, "public use" does not include the taking of property under Subsection (a) of this section for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues. [<Link>](#)

The language in the constitution is very similar to what we are considering.

Section 2206.001 Government code is attached with some highlights and commentary. In short, 2206 states that *"A governmental or private entity may not take private property through the use of eminent domain ... for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:*

(A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or

(B) Section 311.005(a)(1)(I), Tax Code; or

Blighted area is defined Loc Gov Code Title 12, Subtitle A, Ch 374

Sec. 374.003. DEFINITIONS.

(3) "Blighted area" means an area that is not a slum area, but that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality. The term includes an area certified as a disaster area as provided by Section 374.903.

Exception Chapter 373 : *The legislature finds that the activities specified in this chapter contribute to the development of viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities for persons of low and moderate income.*

Chapter 373 then lists activities that may be conducted under this chapter are directed toward the urban development in 373.002(b):

- (1) elimination of slums and areas affected by blight;*
- (2) prevention of blighting influences and of the deterioration of property and neighborhood and community facilities important to the welfare of the community;*
- (3) elimination of conditions detrimental to the public health, safety, and welfare;*
- (4) expansion and improvement of the quantity and quality of community services essential for the development of viable urban communities;*
- (5) more rational use of land and other natural resources;***
- (6) improved arrangement of residential, commercial, industrial, recreational, and other necessary activity centers;*
- (7) restoration and preservation of properties of special value for historic, architectural, or aesthetic reasons;*
- (8) reduction of the isolation of income groups in communities and geographical areas, promotion of increased diversity and vitality of neighborhoods through spatial deconcentration of housing opportunities for persons of low and moderate income, and revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and*
- (9) alleviation of physical and economic distress through the stimulation of private investment and community revitalization in slum or blighted areas.*

Notably, in the 373 exception found in 2206, 2206 specifically exempts the activity of 373.002(b)(5). Basically a double negative of exceptions, which prohibit ED for a “more rational use of land and other natural resources” that works to protect personal property from being taken for this use.

Exception Chapter 374: *(a) The legislature finds that slum and blighted areas exist in municipalities in this state and that those areas:*

- (1) are a serious and growing menace that is injurious and inimical to the public health, safety, morals, and welfare of the residents of this state;*
- (2) contribute substantially and increasingly to the spread of disease and crime, requiring excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, and for crime prevention, correctional facilities, prosecution and punishment, treatment of juvenile delinquency, and the maintenance of adequate police, fire, and accident protection and other public services and facilities; and*
- (3) constitute an economic and social liability, substantially impair the sound growth of affected municipalities, and retard the provision of housing accommodations.*

Exception Section 311.005(a)(1)(I), Tax Code is not applicable to Lago Vista as it pertains to “structures, other than single-family residential structures, ... if the municipality has a population of 100,000 or more;” We are not large enough to be affected by this exception.

I’ve come full circle on thinking we need to amend the charter on this issue and would be inclined to move on:

- Under the Texas Constitution, the city already cannot take property to give to private entity for primarily for economic development or tax revenue enhancement.
- The takings for the secondary economic development permitted under 2206 purposes seem well defined, primarily serve the public good, are limited, and reasonably balance personal property right with ED power.
- So, to change our charter would be redundant to property rights protections already codified in the constitution and existing statutes.

I’m still open for discussion or correction if I’ve misinterpreted anything, but the only remaining reason to amend the charter that I can see, would be to remove the exception of blight from the power of ED that the city currently has under law. Even with addressing blight, the economic development aspect would have to be a secondary purpose. I don’t think we need to spend time or ask the voters to defend well defined blight.

Page 8: [2] Commented [RO16]

Robert Owen

3/3/2025 2:02:00 PM

From City Attorney Bullock via Prince

We currently use individually named Places for filing and election, with the winner selected by Plurality. If we moved to a method that eliminated individual races by "Place" and had all candidates run for the multiple open seats, what voting methods are available for selecting multiple council candidates in a single election?

- a. **The CRC believes that "Ranked Choice" is not allowed in Texas. You confirmed this to be the case – Correct.** Section 2.001 of the Election Code sets the default as plurality – to be elected, a candidate must receive more votes than any other candidate. A second place “ranked choice” would violate this provision of the law.
- b. **Could more than one candidate be elected by "Plurality", meaning that some (or perhaps none) receive a majority of votes? You confirmed this to be the case. This is true;** however, if the length of the term exceeds two years (which is permissible, up to 4 years), then the Texas Constitution requires that the election be by majority vote. Tex. Const. Art XI, Sec. 11. Thus, if the term lengthening amendment passed, the default plurality would change. If only the term limits passed, it would not. Moreover, this provision of the constitution also addresses vacancies. If the remaining term is 12 months or more, the seat must be filled by special election. If it is 12 months or less, it may be filled by appointment (if provided by the charter).

From Saum

I do not have a strong opinion on 3 year or 2 year terms, but to problem solve, I asked ChatGPT to use the Texas Senate as an example of how to make the elections even. In the Senate, they serve 4 year terms, but every few years have to draw straws and some Senators get 2 year terms. Below is what input it gave me.

If **Lago Vista** switched to **three-year terms** for City Council members but still wanted **staggered elections** where half the seats are up during high-turnout **presidential election years**, the transition could be structured using a **one-time adjustment period** similar to how the **Texas Senate staggers its four-year terms**.

See message board post for suggested transition plan if adopted.

From Sullivan

1.) Length of term. The council and a previous CRC discussed this topic. At the time, the then city attorney provided input on the logistics of making the change. It did not revolve around the timing of elections, but the other things that would need to be changed if we moved to three-year terms. At the time, we did not believe it was worth the hassle to make the change. I'm not suggesting that this CRC abandon the idea, but instead requesting they seek council from legal about what changes the city would have to make and then the CRC can make an informed decision about whether to recommend a change.

From City Attorney Bullock via Prince:

Could "term limits" and "single term length" be combined into a single ballot measure? *[CONTEXT: Same as #11]*

I heard your answer to be: **Ballot measures must be on a single topic. In this case while both relate to terms, your judgement is they are really separate topics and therefore you would not recommend they be combined.** Local Gov't Code Sec. 9.004(d) says that an amendment may not contain more than one subject 9.004(e) says that a ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments. Term limits and term length are two separate items. In a 2019 case out of Houston, a charter amendment that combined a change to the term length and term limits was challenged as being confusing or misleading (the issue of the single subject was not raised). Ultimately, the court held that the language was not misleading, but the more conservative (and thus safer) approach would be to separate them so as to avoid a similar challenge. See Bryant v. Parker, 580 S.W.3d 408, 415 (Tex. App.—Houston [1st Dist.] 2019, pet. denied).

Term Limits?

Saum:

2. I like the idea of term limits. It is more effective when they are 2 year terms, as you could limit them to 3 or 4 terms with his 6 or 8 years. On a 3 year term, I would be tempted to make the term limit 2 terms, or 6 years, as Councilor Prince noted our City Councilmembers typically serve 8 years at most. If the objective is to get more turnover in councilmembers then 6 years would accomplish that. I would say maybe there is an exception that if you serve 6 years and then run for Mayor, maybe that is viewed differently? But I am not passionate about that.

Prince:

1. (Term length). The CRC discussed whether there is a period of getting accustomed to the role, which makes 2 years too short, especially for first terms. I was asked in the meeting for my opinion. My personal experience in coming to the city council office included time spent on multiple committees and commissions so the "start-up" time

to be comfortable in the role was very short. So, I do not feel 2-years is too short, but I also do not feel 3 years is too long.

If we did move to three year terms there are several implications to consider:

A) We have learned from the City attorney that state law requires elections by majority for terms of 3 years or longer, versus the plurality approach we now use for 2 years terms. This would result in the potential for runoff elections we have not needed previously. Whether this is good or bad can be debated.

B) Eliminating the “Place” based approach becomes impractical. I don’t see a method with an election followed by a single runoff to ensure majority. Maybe the CRC will find a creative idea. If 2 year terms are maintained, a pool of candidates can be selected by Plurality without any runoff.

2. (Term limits). Perhaps language using years of service could make this independent of the term length question. E.g. Candidates for mayor or council who have already served more than (?) years on the council in any combination of Mayor or Council seats are not eligible to file for candidacy of either Mayor or Council. But, I personally think this is not a problem we have. From my research going back 20 years, Randy Kruger was mayor for 8 years and was already in a council seat in 2005 when my data starts. Thus he served at least 10 years. Ed Tidwell was on Council for approximately 4 years before serving as mayor for 6 years. 10 years total. There have been numerous people who served 8 years. If 8 years is viewed as “too long” by the CRC then a recommendation for some lower limit seems in order.

Sullivan:

2.) Term limits. I have no opinion on this. I’ve noticed that multiple people have pointed out that most council members serve 8 years or less. I agree with that and more recently, it has trended lower, two terms or 4 years. The exceptions have been former Mayor Kruger as Mr. Saum pointed out and former Mayor Ed Tidwell that has not been mentioned unless I missed it. Mr. Tidwell served about 3 terms as a council member and 3 terms as mayor for almost 12 years on council. I say almost as one of his terms was extended beyond its normal length when the city moved from May elections until November elections. If the CRC decides to recommend term limits, I think it would be good to consider time served as a council member and then time served as mayor separately. I think it is helpful to the city to encourage council members to seek to serve as mayor with the experience and knowledge built up while serving as a council member.

As you discuss term limits, you will want to be specific. Take a situation like mine. I was originally appointed in June of 2016 to fulfill the balance of a departing council member’s term. I then won an election in November of 2016, lost in November of 2018, won in November of 2020, won again in November 2022, and ran for mayor and won in November of 2023. That lays out like this:

Years

Terms

Appointed in June of 2016

.5

0

Elected in November of 2016

2

1

Elected in November of 2020

2

1

Elected in November 2022

1

1

Elected Mayor in November 2023

2

1

Totals

7.5

4

If you decide you want term limits, how do you define them? Years? Terms? If you set term limits to serving no more than 8 years, does that mean at 7.5 years someone like me can't run again? Or is it OK as long as you have served less than 8 years when you run?

I counted terms above only when an election took place. Is that the way you would like to define it? Or is fulfilling a partial term included in the count?

In my previous post, I mentioned limits by position, council member and mayor. If you go that route, just be specific in how you define it.

Again, I have no preference either way on term limits, I'm just suggesting that should you go down that route, make the definition as specific as possible so there is no ambiguity.

Page 9: [7] Commented [RO25]

Robert Owen

3/3/2025 12:29:00 PM

From

Sullivan:

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says “Special and called meetings shall be held as determined by the Council or as called by the Mayor” . Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC to review these sections and make it more explicit who can actually call Special Called meetings, so we are not subject to the whim of different attorney opinions.

Page 9: [8] Commented [RO26]

Robert Owen

3/3/2025 12:33:00 PM

From

Sullivan:

Section 3.06 (g) – it indicates that an item requested by 2 or more council members can not be deleted. As mayor, I have no interest in deleting items desired by council members. My belief has always been folks want to talk about it, I want to accommodate it. What has become troublesome is that the mayor and city manager have no ability to assign the items requested to agendas over time to prevent overly long meetings from occurring. Some reasonable change that indicated that the items could not be removed but that they could be assigned to any agenda within 60 days of the request might be warranted.

Page 9: [9] Commented [RO28]

Robert Owen

3/3/2025 12:29:00 PM

From

Sullivan:

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says “Special and called meetings shall be held as determined by the Council or as called by the Mayor” . Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC to review these sections and make it more explicit who can actually call Special Called meetings, so we are not subject to the whim of different attorney opinions.

Page 9: [10] Commented [RO30]

Robert Owen

3/3/2025 12:32:00 PM

From Saum:

Along the same concept of allowing all council members to interact with staff, we need to ensure the Mayor's position is not able to go rogue and have undue influence over the City Manager and staff outside the purview of the rest of Council. I would like to see the CRC review Article III and ensure there are protections, especially within 3.06, to ensure the Mayor is not making unilateral decisions outside of Council purview and meetings. It is clear the Charter has established the Mayor is simply ceremonial, but still intended to be an equal member of Council.

Page 11: [11] Commented [RO45]

Robert Owen

3/3/2025 12:41:00 PM

From Prince

(3.09) Filling vacancies. [Paragraph 1]

This paragraph deals with small numbers of vacancies, in which there still exists a quorum of elected council members. It now says:

- If there is one opening, appoint someone within 30 days
- If there are two or more openings, don't appoint anyone. Instead, within 30 days, call for a special election. But, appointments may be made if... the next general City election is less than 180 days away "or" if there is no uniform election date prior to the next general election (should this be "and"?). More logical and simple language would be good. e.g. Appoint to fill all vacancies within 30 days, appointments are valid until the next opportunity to fill by election, either in the next general election or a sooner uniform election date.

Page 11: [12] Commented [AR46]	Art Rodriguez	5/20/2025 6:32:00 PM
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All suggested edits contained in this section are to conform to Texas Constitution Article 11, Section 11 related to terms greater than 2 years. Appointment is allowed only in limited circumstances.

Page 11: [13] Commented [RO48]	Robert Owen	3/3/2025 12:41:00 PM
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From Prince

(3.09) Filling vacancies. [Paragraph 1]

This paragraph deals with small numbers of vacancies, in which there still exists a quorum of elected council members. It now says:

- If there is one opening, appoint someone within 30 days
- If there are two or more openings, don't appoint anyone. Instead, within 30 days, call for a special election. But, appointments may be made if... the next general City election is less than 180 days away "or" if there is no uniform election date prior to the next general election (should this be "and"?). More logical and simple language would be good. e.g. Appoint to fill all vacancies within 30 days, appointments are valid until the next opportunity to fill by election, either in the next general election or a sooner uniform election date.

Page 11: [14] Commented [RO49]	Robert Owen	6/9/2025 12:16:00 PM
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Art's comment:

All suggested edits contained in this section are to conform to Texas Constitution Article 11, Section 11 related to terms greater than 2 years. Appointment is allowed only in limited circumstances.

Page 12: [15] Commented [RO52]	Robert Owen	3/3/2025 12:30:00 PM
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From Sullivan

Sections 3.06 and 3.11 – Mayor and Council Meetings – In section 3.06 (c) it says explicitly that the Mayor may call special meetings of the City Council. In Section 3.11, it says "Special and called meetings shall be held as determined by the Council or as called by the Mayor". Our previous city attorney ruled that either the entire City Council or just the Mayor could call special called meetings. The new city attorney has ruled that 2 council members can call a Special Called meeting. It might be a good idea for the CRC to review these sections and make it more explicit who can actually call Special Called meetings, so we are not subject to the whim of different attorney opinions.

Page 21: [16] Commented [RO76]	Robert Owen	3/3/2025 1:36:00 PM
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From Saum:

3. I am open to districts, as I have heard historically certain groups were able to dominate the elections and get their folks as the majority of the Council. Districts could prevent one geographic area from having the majority. I would think it would be split up to be those around the airport as one district, Tessera is likely another district, owners around the municipal golf course is another, Southern most Lago and then old lago could be the others. I think you would still want two at large districts, one of which is the Mayor. However, I can understand the pushback on districts as well and I am fine with whatever the CRC decides.

4. I don't support rank choice at this time. I think it would be good to have an answer to how to address a sitting councilmember who is running for Mayor or one who resigns late. That may not be exactly what CRC is asking, but that's all this question made me think of.

5. I think Majority vote makes a lot of sense and ensures when there are 2 strong candidates that a 3rd or a 4th candidate can't be used to water down the votes for the first 2 candidates. Runoffs are important as it gives voters an opportunity to take a 2nd look at 2 strong candidates who were in a larger field.

HOME RULE CHARTER



Amended 2025

1 **HOME-RULE CHARTER OF THE CITY OF LAGO VISTA, TEXAS**
2 [AS AMENDED NOVEMBER 2025]

3
4 **PREAMBLE**

5
6 We, the people of Lago Vista, Texas, do hereby establish this Home-Rule Charter (“Charter”) to
7 grant full authority and power of local government to the City of Lago Vista, Texas, hereinafter
8 referred to as the “City,” and to reserve powers to the people as provided in this Charter. The City
9 of Lago Vista shall have all the authority and powers of local government that are not inconsistent
10 with Texas State (“State”) law, subject to the powers reserved to the people herein. The purpose
11 of this Charter is to establish and maintain an effective system of home-rule government resulting
12 in an overall better environment for the health, safety, and welfare of the Residents of the City.

13 **SECTION A - DEFINITIONS**

14
15 For the purposes of this Charter, the following capitalized terms will have the meanings as set forth
16 in this Section A. **Capitalized terms used** but not defined in Section A will have the meanings as
17 set forth in the Charter.

- 18
19 1 “Annexation” means the formal act by which the City incorporates land within its dominion;
20 2 “Canvass” means the official examination of votes cast in an election;
21 3 “Charter” means the Home-Rule Charter of the City of Lago Vista, Texas;
22 4 “City” means the City of Lago Vista, Texas;
23 ~~“Council” means the City Council which is the legislative and governing body of the City~~
24 ~~and has control of all City finances, property, functions, services, affairs and programs~~
25 ~~subject to the terms and provisions of this Charter. The City Council shall consist of a Mayor~~
26 ~~and six (6) Council Members;~~
27 5 “Council” means the Lago Vista City Council which shall consist of a Mayor and six (6)
28 Council Members;
29 6 “Council Member” means an elected official such as the Mayor, Mayor Pro-Tem and/or
30 City Council Members. Council Members may also be referred to herein as Officers, or
31 Members;
32 7 “Election” means the formal process of selecting by vote a person for public office or voting
33 on an initiative, referendum, or recall;
34 a. “General Election” means an Election held annually on the uniform election date in
35 November in accordance with State law;
36 b. “Special Election” means an Election called by the Council to conduct City business
37 that is deemed urgent (e.g., a Recall or Referendum measure), and that should not
38 be postponed until the next General Election, however, a Special Election may
39 coincide with a General Election;
40 c. “Run-Off Election” means a Special Election among the candidates ~~who tied for the~~
41 ~~highest number of votes~~ who received the two highest vote totals but did not receive
42 a majority votes cast for his/her position in a General or other ~~Special~~ Election;

- 43 8 “Franchise” means an agreement whereby the City shall grant an individual, organization,
44 entity, political subdivision, corporation, public utility, or any provider of public service that
45 will provide any service within the City (“Franchisee”), the permission to use or occupy any
46 street, public right-of-way or property in the provision of such service. Said Franchise will
47 be extended by the Council to the Franchisee by Ordinance.
- 48 9 “Meeting” is defined in accordance with Texas Government Code §551.001(4)
49 a. “Special Called Meeting” means a meeting called in addition to the Regular
50 Meetings of the governmental body and which is open to the public;
51 b. “Executive Session” means a meeting of the governmental body which is not open
52 to the public pursuant to Texas Government Code §551.07;
53 c. “Regular Meeting” means the regularly scheduled monthly meeting of the
54 governmental body and which is open to the public;
- 55 10 “Official Notice” means a legally mandated notification that contains information alerting
56 citizens of government or government-related activities that affect local citizens. Official
57 Notices includes, but is not limited to, public notices, legal notices and other notices of
58 public interest.
- 59 11 “Ordinance” means a law or piece of legislation enacted by the Council on behalf of the
60 City. An Ordinance must be enacted whenever the purpose is to regulate persons, property
61 or both; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose
62 is to set a rate to be paid by consumers; and whenever an Ordinance is required by State law
63 or this Charter;
- 64 a. “Alternate Ordinance” means an Ordinance proposed by the Council on the same
65 topic as a ~~Resident~~ Initiated Ordinance;
66 b. “Initiated Ordinance” means an Ordinance initiated by the Residents of the City in
67 the exercise of their power of direct legislation as granted by this Charter except for
68 any Ordinance appropriating money or repealing an Ordinance appropriating
69 money, levying taxes, zoning land, annexing land, or setting rates, fees or charges;
70 c. “Referred Ordinance” means an Ordinance proposed by the Residents in the exercise
71 of their power to approve or reject by Referendum any legislation enacted by the
72 Council;
73 d. “Emergency Ordinance” means an Ordinance enacted when immediate and urgent
74 action is required to protect life, property, or the public peace during an emergency
75 in compliance with State law;
- 76 12 “Petition”
77 a. “Bond Petition” means the mechanism by which Residents may protest issuance of
78 bonds or certificates of obligation if such Petition is signed by registered voters of
79 the City equal in number to at least five (5) percent of the number of registered voters
80 who resided in the City at the time of the last General Election and any
81 corresponding Election shall be conducted in the manner provided for bond elections
82 under State law;
83 b. “Initiative Petition” means the mechanism by which Residents may propose an
84 Initiated Ordinance to the Council if such Petition is signed by registered voters of

- the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last General Election;
- c. "Recall Petition" means the mechanism by which Residents may propose the removal of the Mayor or Council Member from office before their term is completed if such Petition is signed by registered voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last general City election;
- d. "Referendum Petition" means the mechanism by which Residents may propose a Referred Ordinance to the Council for Referendum if such Petition is signed by registered voters of the City equal in number to at least fifteen (15) percent of the number of registered voters who resided in the City at the time of the last General Election.
- 13 "Reading" means the reading aloud of an Ordinance in its entirety at a public meeting. Notwithstanding the foregoing, the reading of the title and descriptive caption of an Ordinance shall suffice provided that a written or printed copy thereof has been furnished to each Member of the Council prior to such meeting or at such meeting without objection by a Member of the Council. A majority of the Members of the Council present and voting may require an Ordinance to be read in its entirety.
- 14 "Recall" means the removal of the Mayor or a Council Member from office before their term is completed
- 15 "Referendum" means the practice of submitting legislation proposed or enacted by the Council to a popular vote of the general electorate;
- 16 "Resident" means an individual whose domicile is within the incorporated boundaries of the City as set forth in Section 1.01 below. Domicile shall be based on such individual's intent as evidenced by the address contained on State issued identification, voter registration, homestead exemption status, most recent Federal Tax Return, or other evidence that establishes the dwelling as said individual's fixed and permanent dwelling; and
- 17 "State" means the State of Texas.

ARTICLE I - INCORPORATION, FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Incorporation. The inhabitants of the territory and geographic area shown on the official map of the City of Lago Vista, Texas as being within the boundaries of the City hereby incorporate the City of Lago Vista as a Texas home-rule municipal corporation. Such territory and area is and shall continue to be a body politic and corporate, in perpetuity, under the name of the "City of Lago Vista" with such powers, privileges, rights, duties, and immunities as herein provided.

Section 1.02 Form of Government. The municipal government shall be a council-manager form of government. All powers of the City will be vested in an elected City Council, hereafter known as the "Council," subject to the limitations of State law and this Charter. The Council shall enact local legislation, adopt budgets, determine City policies and appoint a City Manager. The City Manager shall be responsible to the Council for the management and administration of the City government.

Section 1.03 Boundaries. The boundaries of the City are hereby established as above provided, with the intent that such boundaries are as were provided and intended by the original incorporation of the City of Lago Vista, Texas, in August 1984, as modified and amended by subsequent Annexations and dis-annexations. The corporate limits of the City shall be as now and as hereafter established, extended and modified.

Section 1.04 Annexation and Dis-Annexation.

- a. Annexation by the Council. The Council shall have the power, by Ordinance, to annex property, to fix the boundaries of the City and to provide for the alteration or extension of said boundaries, pursuant to State law, now or as may be amended.
- b. Dis-annexation. The Council may, by Ordinance, dis-annex any territory within the corporate boundaries of the City if the Council determines that the territory is not necessary or sustainable for City purposes.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

ARTICLE II - POWERS OF THE CITY

Section 2.01 General. The City is a home-rule municipal corporation under Article XI of the Texas Constitution. Accordingly, the City shall have full and complete power of local self-government and all authority and powers, both defined and implied, that are not inconsistent with State law. The City shall further have all other and additional authority and powers now or hereafter granted to home-rule cities by State law.

The City may:

- a. Use a corporate seal;
- b. Contract and be contracted with;
- c. Sue and be sued; provided that such power shall not be construed as a waiver of governmental immunity;
- d. Co-operate with other government entities;
- e. Acquire any property, whether real, personal or mixed, by purchase, gift, devise, lease, or condemnation, inside or outside the City limits;
- f. Sell, lease, mortgage and control such property as its interests may require;
- g. Construct, own, lease and operate public utilities;
- h. Establish rates and otherwise regulate public utilities and service providers, and entities using the public streets and rights-of-way, to the fullest extent not inconsistent with State law;

- i. Assess, levy and collect taxes;
- j. Borrow money on the faith and credit of the City by the issuance of bonds, certificates of obligation, warrants or notes of the City, or by lease-purchase;
- k. Appropriate money;
- l. Pass and enforce Ordinances and provide penalties for Ordinance violations;
- m. Preserve and promote the health, safety, and welfare of Residents; and
- n. Exercise all municipal powers, functions, rights, privileges and immunities of every name and nature except those prohibited by State or federal law.

Section 2.02 General Powers Adopted. The enumeration of powers in this Charter is not exclusive. The City shall have all powers incident to local self-government, both direct and implied, that would be possible to individually and specifically list in this Charter. The enumeration of special powers herein or in any State law making a grant of power and authority to a home-rule municipal corporation shall not be held or construed to preclude the City from exercising all other powers of local government not inconsistent with the Texas Constitution, State law, and the reservations to the Residents contained in this Charter. The purpose of this Charter is to enlarge upon the power extended by the general and special laws to cities, and to secure to the City all the powers of local government possible to be conferred on the City under the Texas Constitution.

Section 2.03 Eminent Domain. The City shall have full power and right to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by this Charter or State or federal law. The City shall have and possess the power of condemnation for any public purpose even though such power of eminent domain is not otherwise specifically enumerated in this Charter or in State law. The City may exercise the power of eminent domain in any manner authorized or permitted by State law and, in those instances in which State law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the Council shall by Ordinance establish the process, rules and procedures for valuing the property and the property interests to be condemned.

The City shall not, however, use the power of eminent domain to acquire land that is owned by a property owners association and that is dedicated and used as parkland, for use as a City park.

Section 2.04 Zoning. For the purpose of promoting the public health, safety, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance, the Council shall have full power and authority to regulate and control the use of land, to zone and re-zone land within the City and to adopt Ordinances, rules, and regulations governing the same to the fullest extent not inconsistent with State law.

Section 2.05 Rights Reserved. All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the City, heretofore in force governing the same, shall belong to and vest in the City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the City and shall not be in any manner affected by the taking effect of this Charter; but, as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all Ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the Council. All present commissions, boards, Officers and employees of the City shall continue in office subject to the provisions of this Charter, including, but not limited to, the provisions governing election and removal, and the authority conferred on the City Manager and the Council by this Charter.

Section 2.06 Streets and Public Property. The City shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways, and public property within the corporate limits of the City. With respect to all such facilities and public property, the City shall have the power to acquire establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The City may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property thereof; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, and sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or in any combination or parts thereof.

ARTICLE III - THE CITY COUNCIL

Section 3.01 Number, Selection, and Term of Office. The Council shall be the legislative and governing body of the City and have control of all the City finances, property, functions, services, affairs and programs subject only to the terms and provisions of this Charter. The Council shall consist of a Mayor and six (6) Council Members. When used in this Charter or any other City document, "Council Member" includes the Mayor unless the context indicates otherwise.

The Mayor shall be elected from the City at large. The Council Members shall be elected from the City at large, by Place. Each seat on the Council, except for the position of Mayor, will be numbered, and the place numbers shall be Place 1 through Place 6. The Council Member occupying a particular seat will be identified by the Place number assigned to that Council seat. The candidate who receives a majority of votes for a particular office shall be declared elected for that office. Elections shall be held in the manner provided in Article V of this Charter.

The terms of office for the Mayor and all Council Members shall be three (3) years. Office terms shall commence at the first regular Council meeting after a Member of the Council has been declared elected. The Council shall, at the first regular Council meeting following the taking of office of all new Members after each scheduled General City Election, elect from among its membership a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights and duties conferred upon the Mayor.

In the first three elections following adoption of three (3) year terms, offices will be elected following the process attached hereto as Exhibit 2025-01.

Section 3.02 Qualifications. All candidates for City elective office shall:

- a. Meet all the requirements for the office prescribed by State law;
- b. Be a registered voter residing in the City for at least one (1) year prior to the date of the General Election;
- c. Be at least 21 years of age by the date of the General Election;
- d. Hold no other elected public office if elected;
- e. Not be a City employee;
- f. Not be in financial arrears to the City for any reason; and
- g. Not file for more than one (1) office per election.

(Rev. November 3, 2015)

Section 3.03 Judge of Election Qualifications. The City Secretary shall be the judge of the qualifications of all candidates for elected office.

(Rev. November 2, 2021)

Section 3.04 Application for City Office. Each candidate for an elective City office shall make application to have his/her name listed on the ballot in accordance with State law.

Section 3.05 Compensation. Members of the Council and the Mayor shall serve without pay or compensation provided however, that the Council may, at some future date, determine by Ordinance, a compensation package. Council Members and the Mayor shall be entitled to reimbursement for reasonable expenses incurred in the performance of their official duties as approved by the Council.

Section 3.06 Council Members

- a. The Mayor and Council Members shall have the unrestricted right to meet with and obtain information from the City Manager, City Attorney, City Secretary and

- any City employee deemed necessary to make informed decisions regarding city business.
- b. The Mayor and Council members may consult with and advise the City Manager, City Attorney, City Secretary and any City employee who directly reports to the City Manager with respect to any City business or issue;
 - c. The Mayor and Council Members may recommend appointees for City boards and commissions.
 - d. The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law;
 - e. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government;
 - f. The Mayor may call Special Called Meetings of the Council and any board or commission and set the agenda therefore. The Mayor will call Special Called Meetings within 30 calendar days upon the request of three (3) or more Council Members;
 - g. The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto;
 - h. The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted and will be placed on a Regular or Special Called Meeting agenda within 30 calendar days;
 - i. The Mayor shall have signature authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the Council; and
 - j. The Mayor or Mayor Pro-Tem will sign all approved Ordinances and Resolutions.
- The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law.

(Rev. November 6, 2018)

Section 3.07 Vacancies. An office of a Council Member may become vacant by reason of the death, resignation, disability, Recall, removal or forfeiture provided by law. The Council, at the first Regular Council Meeting after the vacancy occurs, shall declare the office vacant and initiate action to fill the vacancy in accordance with Section 3.09 of this Charter.

Section 3.08 Removal from Office. The Council may remove any Member of the Council from office for any of the following reasons:

- a. Failure to maintain the qualifications for office required by Section 3.02 of this Charter;
- b. Willful violation of any provision of this Charter or any provision of the Code of Ethics adopted under Section 11.05 that provides for removal or termination of employment;
- c. Conviction of a felony or a crime involving moral turpitude; or
- d. Failure to attend three (3) consecutive Regular Council Meetings without being excused by the Council.

Removal proceedings shall be initiated when a sworn or notarized written complaint charging a Member of the Council with an act or omission that constitutes a reason for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor Pro Tem. The Mayor or Mayor Pro Tem, as the case may be, shall file the complaint with the City Secretary, who shall provide a copy to the Member complained against and all other Council Members. Upon the receipt of a complaint the Mayor, or the Mayor Pro Tem as appropriate, shall cause the complaint to be initially considered by the Council for the sole purpose of the Council deciding if the complaint alleges a violation that is grounds for removal and that should be considered in Executive Session, unless otherwise prohibited by law. If a majority of the Council finds the complaint alleges a violation that is grounds for removal it shall set a time and date for a hearing in Executive Session, unless otherwise prohibited by law, on the complaint.

If the Council Member complained against does not resign, the remaining Members of the Council shall conduct a hearing in an Executive Session to take evidence on the complaint, unless a written request to conduct the meeting in public is made by the Member complained against. The Council Member complained against shall have a right to representation at the hearing, to present evidence, and to question and cross-examine all witnesses but may not vote on the question of removal. The Council may schedule and reschedule any such hearing for any reason, including convenience, to enable attendance by all Members of the Council. Based on the evidence presented at the hearing, the Council shall, in a Regular or Special Called Meeting, make a decision whether the Council Member should be removed from office and issue an Order setting out its decision. If it determines by a super majority vote of five (5) Council Members that removal is warranted, it shall declare a vacancy to be filled no sooner than the next Regular Meeting in accordance with Section 3.09.

The decision of the Council shall be final and binding. If the Council determines that a violation has occurred, but removal from office is not warranted, with a majority vote of four (4) members, the Council may, in the discretion of the Council, include a lesser penalty of censure, suspension of up to thirty (30) calendar days, and/or loss of voting rights at city council meetings for up to ninety (90) calendar days.

Section 3.09 Filling Vacancies. Within **Section 3.09 Filling Vacancies.** If at any time there are no Members of the Council able to serve, or if a quorum of the Council is not able to serve, the remaining Council Members will appoint the Chairpersons of the Planning and Zoning Commission and the Board of Adjustment, as temporary Council Members to conduct city business that is deemed urgent and unable to postpone until a Special Election can be called. If necessary, the above individuals will appoint any standing City Committee member, City Commission member, or Board Chairperson, as a temporary Council Member until a temporary Council of five (5) members is formed. The temporary Council will immediately call a Special Election to fill the Council vacancies filled by such appointees.

(Rev. November 3, 2015)

Section 3.10 Dual Office Holding. Neither the Mayor nor any other Member of the Council shall hold another City office or City employment during the term of their office. Former Members of the Council shall not receive any compensation from the City or hold any compensated appointive City office within one (1) year after their elective office terminates.

Section 3.11 Council Meetings. The Council shall fix the time and dates for Regular Meetings by Resolution and define by Ordinance the manner in which Meetings are conducted. The Council shall meet at a regular time at least once a month. Notice of all Meetings shall be in accordance with State law.

Section 3.12 Quorums. Three (3) Members of the Council and the Mayor, or three (3) Members of the Council and the Mayor Pro-Tem during the absence of the Mayor, shall constitute a quorum for the purpose of transaction of business. No action of the Council, except as provided in Section 3.09, shall be valid or binding unless adopted in a Regular or Special Called Meeting with a quorum present and no action or motion shall be passed, approved, adopted, taken or consented to except by a majority vote of the Members of Council present and voting; provided that not less than three (3) affirmative votes shall be required to pass, approve, adopt, take action or consent to any Ordinance, Resolution, action, matter, issue, or motion. A Council Member or Mayor that is present, but not voting due to a conflict of interest, does not affect his/her presence in determining a quorum. Notwithstanding the foregoing, less than a quorum may adjourn any meeting or Canvass an Election.

Section 3.13 Rules of Procedure. The Council shall establish by Ordinance its procedures for conducting Council meetings. Such Ordinance shall provide the Residents, or their representatives, a reasonable opportunity to comment on any matter on the agenda of any Regular or Special Called Meeting of the Council prior to the Council voting on the matter, and Resident communications shall be an agenda item for all meetings for that purpose. In addition to agenda items, any issue over which the City has jurisdiction may be addressed during Resident communications. All Residents present at Council meetings or any public hearing and requesting in writing to be heard may address the Council on the subject of the hearing. The City Secretary shall maintain and record

all minutes of all proceedings of the Council, except for Executive Sessions, and make these minutes available to Residents of the City for a reproduction fee.

Section 3.14 Voting. Members of the Council present shall vote and have their votes recorded in the minutes upon every action requiring a vote. Only in the event the vote involves a Council Member's conduct or conflict of interest shall that Council Member abstain, and the reasons for the abstention shall be noted in the minutes. The rules set forth in Section 11.05 shall control conflict-of-interest issues unless a more restrictive provision is established by State law.

Section 3.15 Ordinances in General. The Council shall have the power to adopt, waive, suspend, repeal or amend any Ordinance, and provide for the enforcement and punishment of Ordinance violations in any manner, not inconsistent with State law. All expenditures of City funds and creation of City indebtedness shall be by Ordinance. All such actions shall state, "Be it ordained by the Council of the City of Lago Vista."

An Ordinance must be enacted whenever the purpose is to regulate persons, property or both; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate to be paid by consumers; whenever an Ordinance is required by State law or this Charter; or when an Ordinance is amended.

(Rev. November 2, 2021)

Section 3.16 Procedure to Enact Legislation. Every Ordinance shall be introduced in written or printed form and shall have a clearly summarized and fully descriptive title and caption. The reading aloud of the descriptive caption of the Ordinance shall suffice as a reading of the Ordinance in its entirety, provided that a written or printed copy thereof has been furnished to each Member of the Council prior to such meeting, or at such meeting without objection by a Member of the Council. A majority of the Members of the Council present and voting may require an Ordinance to be read in its entirety. All Ordinances to be enacted by the Council shall be considered and the descriptive caption of such Ordinance read in Regular or Special Called Meeting of the Council at a minimum of one (1) Council meeting. Any Council Member may by request made on the record at the meeting require a second reading. The affirmative vote of the majority of the Members of the Council present and voting, except as otherwise required by State law or this Charter, shall be necessary to adopt any Ordinance.

The vote upon the passage of all Ordinances and Resolutions shall be recorded in a book kept for that purpose by the City Secretary. Every Ordinance enacted shall be authenticated by the signature of the Mayor or by the Mayor Pro-Tem, and the City Secretary and shall be systematically recorded and indexed in an Ordinance book in a manner approved by the Council. It shall be necessary to record only the caption, subject matter and assigned Ordinance number or title of such Ordinance in the minutes of the Council Meetings. (Rev. November 2, 2021)

Section 3.17 Publication and Posting of Ordinances and Other Documents. Except as otherwise required by State law or this Charter, the City Secretary shall give notice of the enactment of every Ordinance imposing any penalty, fine or forfeiture and every Ordinance

relating to the budget, Franchises, taxes, or public utilities and public service providers and the setting of the rates, fees and charges thereof. This shall be done by causing the Ordinance in full or its caption, including the penalty if any, to be published at least one (1) time in a newspaper of general circulation within the City and posted on the City's website until such Ordinance becomes codified into the City's Code of Ordinances.

The provisions of this section shall not apply to the correction, amendment, revision or codification of the Ordinances of the City in book or pamphlet form.

The City Secretary shall also ensure that all Resolutions, Proclamations, and Official Notices be posted on the City's website.

(Rev. November 3, 2015)

Section 3.18 Emergency Meetings and Ordinances. The Council may adopt an Emergency Ordinance(s) ("Emergency Ordinance") and take other action to protect life, property or the public peace at an emergency meeting held in compliance with State law. An Emergency Ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. The Emergency Ordinance shall be effective for a maximum period of sixty (60) calendar days from enactment, except as noted below. It may be renewed or re-adopted if necessary by the procedures required for the enactment of a new Ordinance. An Emergency Ordinance may not:

- a. Levy taxes, grant, renew, or extend a Franchise;
- b. Regulate rates charged by public utilities; or
- c. Authorize the borrowing of money, except as authorized by State law or provided for in Sections 8.06 or 8.10 of this Charter.

Emergency Ordinances authorizing the borrowing of money in compliance with State law and Section 8.06 shall not be subject to expiration in sixty (60) calendar days.

Section 3.19 Adoption of Code. The City shall adopt by Ordinance a Code of Ordinances. All amendments to the Code of Ordinances shall be codified and maintained by the City Secretary. The City may adopt any standard code, regulations and or standards for buildings, plumbing, electrical, air conditioning and heating, and other trades and construction, and establish appropriate penalties for their violation. Copies of adopted codes, trade regulations and standards and technical regulations shall be referenced and linked on the City website and made public in a form to allow any competent individual to obtain a copy or view those adopted codes, trade regulations and standards and technical regulations whether by purchase or internet. (Rev. November 2, 2021)

Section 3.20 Resolutions and Minute Orders. The Council may act by written Resolution ("Resolution"), regarding any subject or matter relating to or dealing with any public purpose or business except as provided in Section 3.15 of this Charter. The enacting clause of every written

Resolution shall be "Be it resolved by the Council of the City of Lago Vista." The Council may further give instructions to the City Manager, approve bids and contracts, and take other actions regarding the day-to-day business of the City by Resolution adopted by motion and vote recorded in the minutes of the Council meeting.

Section 3.21 Investigative Body. The Council shall have the power to inquire into the conduct of any City office, department or agency, inquire into the conduct or qualifications of any Officer or employee of the City appointed or confirmed by the Council and make investigations as to municipal affairs. For those purposes the Council may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence material to a specific inquiry. The Council shall establish by Ordinance the procedures applicable to the investigations authorized herein and shall set penalties for failure to comply therewith.

Section 3.22 Authority as the Governing Body. The Council shall have and exercise all the powers and authority of the City, not inconsistent with this Charter, for the benefit of the City and its Residents. The Council shall have the power to ordain, alter, waive, amend or repeal and enforce Ordinances, Resolutions, rules, Orders, and regulations, for any public purpose, that are not in conflict with this Charter or State law. The Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the quality of life within and beautification of the City, and any other service, program or activity beneficial to the City and its Residents. The City shall have full and complete power of local self-government to the fullest extent not in conflict with this Charter or State law, including all such authorities and privileges that are now or hereafter provided to cities by State law, and such power and authority both expressed and implied as necessary to accomplish and enforce any such duty, program or public purpose.

Section 3.23 Prohibitions. The Council shall have powers only as a body meeting with a quorum present and no Council Member shall have power to act individually, except where that power may be conferred upon such Council Member in this Charter or by the Council. The individual Council Members shall have the right to meet with the Mayor to inquire about any matter or issue and with the City Manager or department head to obtain information deemed necessary to make informed decisions regarding the business of the City. No Member of the Council shall give orders directly to the City Manager, and no Council Member shall give orders directly to any other City employee. (Rev. November 6, 2018)

ARTICLE IV - ADMINISTRATIVE SERVICES

Section 4.01 City Manager. The Council shall appoint a City Manager who shall be chosen primarily on the basis of his/her executive and administrative training, experience and ability. The affirmative vote of five (5) members, or more, of the Council shall be required to appoint a person as City Manager. Within six (6) months after employment, the City Manager shall reside within

the City limits, unless the Council approves an outside residence. The City Manager shall receive compensation as determined by the Council. The compensation shall be agreed upon prior to employment and the Council may contract with the City Manager to establish the terms of employment. The Council shall reserve the right to raise lower, or change the City Manager's compensation package at its sole discretion by the vote of five (5) members or more. The City Manager may be removed or suspended at the sole discretion of the Council by an affirmative vote of five (5) members or more of the Council.

The City Manager is the chief executive and administrative Officer of the City, responsible to the Council for the efficient administration of all the City's affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

- a. Implement the general policies established by the Council and faithfully enforce all applicable State laws and City Ordinances;
- b. Appoint, supervise and/or give direction to all departments, offices, and agencies of the City and hire, suspend or remove any employee of the City except for department heads which require Council approval for employment or removal;
- c. Sign all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the Council;
- d. Prepare all agendas in conjunction with the Mayor and attend all meetings of the Council except when excused by the Council. He/she shall have the right to take part in all discussions but shall not have a vote;
- e. Prepare and submit the proposed annual budget and administer the approved City budget in accordance with this Charter;
- f. Prepare and present to the Council a complete annual report of the financial and administrative activities of the City for the preceding year. This report shall be due one hundred twenty (120) calendar days after the end of the fiscal year;
- g. Make reports as the Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's supervision;
- h. Prepare and submit to the Council monthly financial reports and keep the Council advised on the financial condition and future needs of the City;
- i. Provide staff support services for the Mayor and Council Members, consistent with the intent and requirements of this Charter;
- j. Ensure that all terms and conditions imposed in favor of the City, or its Residents, in any public utility Franchise or other Franchise or contract are faithfully kept and performed. Upon knowledge of any violation thereof, the City Manager shall call same to the attention of the City Attorney, whose duty it shall be to advise the City Manager and the Council of such steps as may be necessary to enforce the same; and
- k. Perform other duties as specified in this Charter, or duties not inconsistent with this Charter as required by the Council.

The City Manager shall designate by letter filed with the City Secretary, a qualified administrative Officer of the City, subject to approval by the Council, to perform the duties of the City Manager in his/her absence or disability from his/her duties. No Member of the Council shall act as City Manager. No Member of the Council shall, during the time for which he or she is elected, or for one (1) year thereafter, be appointed City Manager.

The Council, except as provided for in Section 3.06 of this Charter, shall direct and supervise the City Manager only by majority vote. (Rev. November 3, 2015)
(Rev. November 6, 2018)
(Rev. November 2, 2021)

Section 4.02 City Secretary. The City Manager, subject to approval by the Council, shall appoint a City Secretary. The City Manager shall employ such assistant City Secretaries as the Council authorizes. Except as otherwise required by State law or Ordinance, the City Secretary shall:

- a. Keep an accurate register of all laws, Resolutions and Ordinances of the City and attend all meetings of the Council unless excused by the City Manager;
- b. Keep the corporate seal;
- c. Take charge of and preserve the books, pages, documents, files, contracts, and other records of the City;
- d. Prepare all notices required under any State law or regulation or any Ordinance of the City;
- e. Keep a register of bonds and bills issued by the City and all evidence of debt due and payable to the City, noting the relevant particulars and facts as they occur; and
- f. Perform all other duties required by State law, Ordinance, Resolution, or Order of the City Manager.

Section 4.03 Municipal Court. A municipal court, designated as the Municipal Court of the City of Lago Vista (the "Court"), is hereby established. The Court shall have jurisdiction over all matters, offenses and issues as now or hereafter provided by State law, and all other matters, offenses and issues as provided by Ordinance not inconsistent with State law. The Municipal Court Judge and any Associate Municipal Court Judges deemed necessary shall be nominated by the City Manager and appointed by the Council. Compensation for the Municipal Court Judge and any Associate Court Judges shall be set by the Council. A Court Clerk and such deputies as deemed necessary by the Council shall be appointed pursuant to Ordinance and State law. The Court Clerk and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the Court seal and perform any and all duties authorized by State law or Ordinance, or directed by the City Manager. All costs, fees, special expenses and fines imposed by the Court shall be paid into the City Treasury for the use and benefit of the City unless otherwise required by State law. (Rev. November 2, 2021)

Section 4.04 City Attorney. The City Manager shall appoint a City Attorney subject to approval by the Council. The City Manager may also appoint other attorneys to assist the City Attorney as may be deemed necessary and approved by the Council. The City Attorney and any appointed associates shall be duly licensed to practice law in the State of Texas. The City Attorney shall be the legal advisor for the Council and all offices and departments of the City. The City Attorney and any approved associate attorneys may represent the City in litigation and legal proceedings that may arise.

Section 4.05 City Police. A City of Lago Vista Police Department headed by a Chief of Police shall be established to maintain order within the City and to protect Residents from threats or violence and their property from damage or loss. The Chief of Police shall be appointed by the City Manager subject to approval by the Council. The Chief of Police must be a licensed peace officer in the State of Texas and have verifiable experience which qualifies him/her for the position. This experience may have been gained in the service of police agencies outside the State of Texas either from another state or with a federal agency. The Chief of Police shall be responsible for the operation of the Police Department and shall enforce State law and all the Ordinances of the City. He/she shall perform such other associated duties as the City Manager may require and shall, upon approval of such documents by the City Manager, establish and maintain written procedures relating to police administration, policies and procedures.

Section 4.06 Human Resources. The City shall be an equal opportunity employer and the service of each Officer and employee shall be "at will." The administration of human resources of the City shall be governed by written rules and regulations to be known as "Personnel Policies." The City Manager or his/her designee shall prepare such Personnel Policies and recommend their adoption to the Council. Such Personnel Policies shall not be inconsistent with this Charter and will become effective when approved by the Council by Ordinance. All Personnel Policies so adopted and not inconsistent with this Charter shall have the force and effect of law. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or to any Member of the Council or to the City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply however, to any person who shall have been employed by the City at least six (6) months prior to and at the time of the Election or appointment of the Officer related in the prohibited degree.

Section 4.07 Other and Additional Departments. There shall be such administrative departments as are required to be maintained by this Charter, and as are established by Ordinance, all of which shall be under the control and direction of the City Manager except as herein provided. Other and additional departments may be recommended by the City Manager but shall be established by Ordinance.

ARTICLE V - NOMINATIONS AND ELECTIONS

Section 5.01 City Elections. Beginning with the General Election to be held in 2016 and for each successive General Election, the General Election shall be held annually on the uniform election date in November in accordance with State law . All terms of office for the Mayor and all Council Members shall be as set forth in Section 3.01. The Council shall fix the places for holding such election, and the City Secretary shall give notice of the Election in the manner required by State law. The Council may, by Ordinance, call Special Elections as required or authorized by State law or this Charter. The Council shall fix the time and places for such Special Elections, direct the City Secretary to give notice thereof and provide all means for holding same. A certified list of registered voters residing within the City shall be obtained by the City Secretary for each Election. All City Elections shall be held in accordance with State law, this Charter, and the Ordinances, Resolutions and Orders adopted by the Council for the conduct of Elections. The Council shall provide for the Election, appoint Election judges and other officials and shall determine and provide for their compensation and for all other expenses of holding City Elections. In the absence of State law providing regulations for the conduct of any Election, or any related action or procedure, the Council shall provide such regulations by Ordinance.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

Candidates shall follow these rules:

- a. No candidate for office, including incumbents, may withdraw their candidacy and refile in the same Election; and
- b. No candidate may file for more than one (1) office or position number per Election; and
- c. Incumbents seeking re-Election must file for the same position that he or she presently holds; and
- d. An elected Council Member filing for office of Mayor, shall file for Election in accordance with State Law; and
- e. An elected Council Member filing for office of Mayor, shall resign from the office presently held on or before the Canvassing date.

(Rev. November 3, 2015)

Section 5.02 Official Ballots. The name of each candidate for office, except those who may have withdrawn, died, or become ineligible prior to the preparation of the ballot, shall be printed on the official ballots without party designation or symbol. In Elections for Members of the Council, the order of the names of the candidates on the ballot shall be in accordance with State law and shall be determined by lot in a drawing to be held under the supervision of the City Secretary. Early voting shall be governed by State law. The ballot for all propositions and measures shall be established by Ordinance. Each proposition shall be presented for voting by ballot title, which may differ from the measure's legal title, and a clear, concise statement objectively describing the substance of the measure. The content and form of the ballot shall be determined by Ordinance. Procedures for write-in votes shall be governed by State law.

Section 5.03 Canvassing. The Election judges and officials appointed by the Council shall determine, record, and report the results of any General or Special Election in accordance with State law. In accordance with said laws, the Council shall, after an Election, meet, Canvass, and officially declare the results of the Election as to candidates and questions. Unless provided otherwise by State law, Elections shall be Canvassed not less than three (3) or more than eight (8) business days after the date of the Election. The returns of every City Election shall be recorded in the minutes of the Council.

Section 5.04 Election. Candidates for the Council shall file for a specific office, designated by Place number or Mayor, and the Mayor and the Council Member for each Place shall be elected by majority vote. In the event no candidate for an office receives a majority of the votes cast for that office in the General or Special Election, the Council shall, upon completion of the official Canvass, order a Run-Off Election among the two (2) candidates who received the highest number of votes. The Run-Off Election shall be held in accordance with State Law.

ARTICLE VI - INITIATIVE, REFERENDUM, AND RECALL

Section 6.01 Power of Initiative. The Residents of the City reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any Ordinance "Initiated Ordinance," not in conflict with this Charter or State law, except an Ordinance appropriating money or repealing an Ordinance appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges. Any Initiated Ordinance may be submitted to the Council by an Initiative Petition signed by registered voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last General Election. When such a circulated Petition has been certified as sufficient by the City Secretary, the Council shall proceed in compliance with this Article.

Section 6.02 Power of Referendum. The Residents reserve the power to approve or reject at the polls any legislation enacted by the Council which is a proper subject for the initiative process under this Charter, except for the limitations specified in this Article and in Section 8.10. An Emergency Ordinance enacted for the immediate preservation of the public peace, health or safety is not subject to Referendum if it contains a statement declaring a specific emergency and the requirement for immediate and urgent action. Referendum Petitions shall be signed by registered voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City on the date of the last General Election. When such a Petition has been certified as sufficient by the City Secretary, the Council shall proceed in accordance with the requirements of this Article.

Section 6.03 Petition Requirements for Ordinances. Initiative Petitions shall contain the full text of the proposed legislation in the form of an Initiated Ordinance including a descriptive caption. Petitions shall contain the full text of the Referred Ordinance. All Petitions shall be prepared, submitted, circulated and certified in accordance with the requirements of this Article.

Section 6.04 Commencement of Proceedings. Any five (5) registered voters of the City may commence an Initiative, Referendum or Recall proceeding by filing with the City Secretary a statement signed by them, together with the complete form of a Petition proposed to be circulated, including signature pages and the full text of the Initiated Ordinance, the Referred Ordinance, or the grounds for the Recall, as applicable. Any Ordinance set forth in the Petition shall be complete and in proper form including the caption.

The City Secretary shall place the time and date on the Petition and documents when filed and may refer the same to the City Manager for subsequent forwarding to the City Attorney for review and recommendation for compliance with this Charter if deemed appropriate; provided that neither the City Secretary nor the circulators of the Petition shall be bound by any recommendation made by the City Attorney. The City Secretary shall examine the filing for sufficiency as to form and, if sufficient, shall certify said filing and place the time and date of the certification for circulation on such Petition and documents. The City Secretary shall provide a certified copy of such filing as certified for circulation to the person presenting same and file a copy of the certified documents and Petition in the archives of the City.

The circulated Petition must be returned and re-filed with the City Secretary within forty-five (45) calendar days after the date the Petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a Petition returned after the expiration of forty-five (45) calendar days shall not be considered.

Section 6.05 Initiative Petition. When the Council receives an Initiative Petition certified by the City Secretary to be sufficient, the Council shall either:

- a. Adopt the Initiated Ordinance without amendment within thirty (30) calendar days after the date of the certification; or
- b. Submit the Initiated Ordinance without amendment to a vote of the registered voters of the City. The Special Election on the Initiated Ordinance shall be held on the next available uniform election date authorized by State law that is forty-five (45) calendar days or more after the expiration of the thirty (30) calendar days provided in (a) above. The called Special Election may coincide with a General Election should such General Election fall within that specified period; or
- c. At an Election, submit to a vote of the registered voters of the City the Initiated Ordinance without amendment, and an Alternative Ordinance on the same subject proposed by the Council. The Election on the Alternative Ordinance shall be held on the next available uniform election date authorized by State law that is forty-five (45) calendar days or more after the thirty (30) calendar days provided in (b) above. The called Special Election may coincide with a General Election should such General Election fall within the specified period. If an Initiated Ordinance and an Alternative Ordinance proposed by the Council are submitted at an Election and neither of such Ordinances receives a majority vote, only the Ordinance receiving the highest number of votes shall be adopted.

No Ordinance on the same subject as an Initiated Ordinance which has been defeated at any Election may be re-initiated by voters within two (2) years from the date of such Election. Special Elections on any Initiated Ordinance shall not be held more frequently than once every twelve (12) months.

Section 6.06 Referendum Petition. When the Council receives a Referendum Petition certified by the City Secretary as sufficient, the Council shall either:

- a. Cancel the Referred Ordinance specified in the Petition if it has not gone into effect;
- b. Repeal the Referred Ordinance within thirty (30) calendar days if it has gone into effect;
- c. Submit the Referred Ordinance to the voters at a Special Election. The Special Election on the Referred Ordinance shall be held on the next available uniform election date authorized by State law that is forty-five (45) calendar days or more after the expiration of the thirty (30) calendar days provided in (b) above. The Special Election may coincide with a General Election should such General Election fall within that specified period: or
- d. No Ordinance on the same subject as the Referred Ordinance which has been defeated at any Election may be re-submitted to the voters within two (2) years from the date of such Election. Special Elections on any Referred Ordinance shall not be held more frequently than every twelve (12) months.

Section 6.07 Ballot Form and Results of Election. The ballot used in voting upon an Initiated or Referred Ordinance shall comply with Section 5.02(d) and set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance." A Referred Ordinance, an Initiated Ordinance and any Alternate Ordinance proposed by the Council, which are submitted at the same Election shall be appropriately identified as the Initiated or Referred Ordinance and as the Alternate Ordinance proposed by the Council. Any number of Ordinances may be voted upon at the same Election in accordance with the provisions of this Article. A Referred Ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed. An Ordinance submitted and receiving an affirmative majority of the votes cast shall thereupon be effective as an Ordinance of the City. An Ordinance so adopted may not be repealed or amended by the Council prior to the expiration of two (2) years after the Election at which it was adopted.

Section 6.08 Power of Recall. The Residents of the City reserve the power to recall the Mayor or any other Member of the Council and may exercise such power by filing with the City Secretary a valid Recall Petition demanding the removal of the Mayor or a Council Member(s). Such Petition shall be signed by registered voters of the City equal in number to at least five (5) percent of the number of registered voters who resided in the City at the time of the last General Election. The Petition shall be signed and verified as required by Section 6.12 and shall contain a specific statement of the grounds for which the removal is sought. One of the signers of each Petition shall make an affidavit that the statements therein made are true. A separate Petition is

required for each elected official to be Recalled. The Recall Petition process shall begin with the filing of a written notice of intent with the City Secretary. This notice shall be signed by five (5) registered voters of the City and shall state the name of the elected official to be Recalled. The filing date of this notice shall be the formal beginning of the Recall process. All Petition signatures shall be collected and the Petition filed with the City Secretary in accordance with the requirements specified in Section 6.12.

(Rev. November 2, 2021)

Section 6.09 Recall Election. Within fifteen (15) business days after the date of the filing of the papers constituting the Recall Petition, the City Secretary shall certify the signatures and Petition as sufficient or insufficient, and, if sufficient, present such certified Petition to the Council at the next Regular meeting for which the required notice may be given.

The Council Member(s) whose removal is sought may, after such Recall Petition has been presented to the Council, request in writing to the Council at the next Regular Meeting that a public hearing be held to permit that Officer, and a representative of the petitioners, to present facts pertinent to the charges specified in the Recall Petition. In this event, the Council shall order such public hearing to be held not less than five (5) business days nor more than fifteen (15) business days after receiving such request for public hearing.

If the Officer whose removal is sought does not resign, then it shall be the duty of the Council to order a Recall Election. The Special Election shall be held on the next authorized uniform election date for which notice may be given as required by State law. Said Special Election may coincide with a General Election should such General Election fall within the specified period.

Section 6.10 Results of Recall Election. If an equal number or a majority of the votes cast at a Recall Election shall be against removal of the Mayor or Council Member(s) named on the ballot, he/she shall continue in office. If a majority of the votes cast at such Election be for the removal of the Mayor or Council Member(s) named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of Section 3.9. A Mayor or Council Member thus removed shall not be a candidate to succeed himself/herself in an Election called to fill the vacancy thereby created.

Section 6.11 Limitations on Recall. No Recall Petition may be filed against any Officer of the City within six (6) months after his/her Election or appointment, or within the three (3) months preceding the expiration of his/her term of office, or more than once during any term of office.

(Rev. November 2, 2021)

Section 6.12 Petition Form and Certification. Petitions for Initiative, Referendum and Recall shall:

- a. Be written;
- b. Be signed in ink or indelible pencil by registered voters as the person's name appears on the most recent official list of registered voters;

- 887 c. Include each person's residence address including street and number and printed
888 name;
- 889 d. Include the date each signature is affixed. Signatures need not be affixed to only
890 one paper. However, one of the signers of each separate Petition shall make an
891 affidavit that they, and they only, personally circulated such Petition and that each
892 signature appended thereto was made in their presence and is the genuine
893 signature of the person whose name it purports to be. No signature shall have been
894 placed on the Petition prior to the date certified for circulation under Section 6.04
895 nor more than forty-five (45) calendar days after that date. Identical copies of the
896 Petition may be circulated, filed as one Petition, and the signatures of the several
897 Petitions aggregated, provided that in every instance a complete Petition is
898 circulated and all signatures are made on a complete Petition; and
- 899 e. Within fifteen (15) business days after a Petition is filed, the City Secretary shall
900 examine the Petition and certify the Petition as sufficient or insufficient and submit
901 the results to the Council at the next regular meeting for which notice may be
902 given. The certification shall clearly state the number of persons found on the
903 Petition who are registered to vote and the number of persons found on the Petition
904 who are not registered to vote. If the certificate of the City Secretary shall show a
905 Petition to be insufficient, the City Secretary shall notify the person(s) filing the
906 Petition, and it may be amended within ten (10) business days from the date of
907 such notice by filing additional papers signed and submitted as provided for in the
908 original Petition. Within ten (10) business days after such additional papers are
909 filed, the City Secretary shall examine the said papers and certify as to their
910 sufficiency. If the Petition is still found to be insufficient, the City Secretary shall
911 return the Petition to the person filing same, provided, however, that upon finding
912 the total Petition to be insufficient, no new Petition covering the same subject
913 matter shall be filed until one (1) year shall have elapsed from the date of filing of
914 the original Petition.

915 916 **ARTICLE VII BOARDS AND COMMISSIONS** 917

918 **Section 7.01 Establishing Boards and Commissions.** The Council shall have authority to
919 establish, by Ordinance, such boards and commissions as it may deem necessary for the conduct
920 of the business and affairs of the City. Except as otherwise provided by State law, each such board
921 and commission shall be advisory and the composition, authority, functions, and responsibilities
922 thereof and the qualifications and procedures for the appointment and removal of their members
923 shall be set forth in the enabling Ordinance. All existing boards and commissions heretofore
924 established shall be continued in accordance with the Ordinance or Resolution pursuant to which
925 each has been created until the Council shall by Ordinance repeal or amend the Ordinance or
926 Resolution. The Council shall make appointments to boards and commissions unless otherwise
927 provided by Ordinance. The term of each appointee shall be as described in the enabling
928 Ordinance.
929

Section 7.02 Qualifications and Terms of Office. In addition to any qualifications prescribed by Ordinance, each appointee to City boards and commissions shall:

- a. Be a registered voter of the City;
- b. Be a resident of the City and have resided therein for at least twelve (12) consecutive months preceding his/her appointment; and
- c. Not be in financial arrears to the City for any reason.

The above provisions shall not preclude the Council from waiving the voter and residency requirements for less than a quorum of the members of a board or commission that has advisory powers only, when it is deemed to be in the best interests of the City. The waiver shall apply only to the number of members specified in the Ordinance establishing the board or commission, which number shall be less than a majority of the members of the board or commission.

Section 7.03 Planning and Zoning Commission. A Planning and Zoning Commission is established to perform such duties and functions as are required or authorized by State law, this Charter and the enabling Ordinance. The number of members and additional duties of the Planning and Zoning Commission shall be provided by Ordinance.

Section 7.04 Board of Adjustment. A Board of Adjustment is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.

Section 7.05 Building and Standards Commission. A Building and Standards Commission is established to perform such duties and functions as required or authorized by State law, this Charter, and the enabling Ordinance.

(Rev. November 3, 2015)

(Rev. November 6, 2018)

ARTICLE VIII - FINANCIAL PROCEDURES

Section 8.01 Fiscal Year. The fiscal year of the City shall begin on the first day of October of each year and end on the thirtieth day of September of the following year.

Section 8.02 Submission of Budget. The Council shall provide by Ordinance the procedures for administration and fiduciary oversight of the budget. The City Manager, prior to August first of each year, shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying budget message.

Section 8.03 Budget Message. The City Manager's budget message shall outline the Capital Improvement Program and the proposed financial policies for the ensuing fiscal year, with

972 explanations of any substantive change from the previous year in expenditures and any major
973 changes of policy, along with a complete statement regarding the financial conditions of the City.
974

975 **Section 8.04 Budget.** The budget shall provide a complete financial plan of all City funds and
976 activities for the ensuing fiscal year. It shall contain all items and contents required by State law.
977 The total of proposed expenditures shall not exceed the total of estimated income plus any
978 accumulated surplus. The budget shall indicate at least:
979

- 980 a. An estimate of all revenue from taxes and other sources, including the present and
981 proposed tax rate and the estimated property evaluation for the ensuing year;
- 982 b. A carefully itemized list of proposed expenses by office, department and agency
983 for the budget year, as compared to actual expenses of the last ended fiscal year
984 and the present year-to-date;
- 985 c. A description of all outstanding bond indebtedness, showing amount, purchaser,
986 date of issue, rate of interest and maturity date, as well as any other current
987 indebtedness of the City; and
- 988 d. A statement proposing any capital expenditures deemed necessary to undertake
989 during the ensuing budget year and recommended provisions for financing.

990
991 **Section 8.05 City Council Action on Budget.** At the Council meeting when the proposed budget
992 is submitted, the Council shall call a public hearing for a set time, date and place. Notice of such
993 public hearing shall be published in a newspaper of general circulation in the City and posted on
994 the City's website and such notice shall include the date, time, place and subject thereof. The
995 notice shall be published at least ten (10) business days before the date of the public hearing, and,
996 at the hearing, interested Residents may express their opinions concerning items of expenditure,
997 giving their reasons for wishing to increase or decrease any item of expense. After the public
998 hearing, the Council may adopt the proposed budget with or without amendment. In amending
999 the proposed budget, it may add or increase programs or amounts and may delete or decrease any
1000 programs or amounts, except expenditures required by State law or for debt service, provided that
1001 no amendment to the budget shall increase the authorized expenditures to an amount greater than
1002 total estimated income plus any accumulated surplus. The Council shall adopt the budget by
1003 Ordinance. If it fails to adopt the budget by September 30th, the budget proposed by the City
1004 Manager shall go into effect until such time as the Council adopts a budget.
1005

1006 **Section 8.06 Amendments after Adoption.** If during the fiscal year, the City Manager certifies
1007 there are available for appropriation revenues in excess of those estimated in the budget, the
1008 Council by Ordinance may make supplemental appropriations for the year up to the amount of
1009 such available funds. To meet a public emergency affecting life, health, property or the public
1010 peace, the Council may make emergency appropriations. The Council shall have the power to
1011 borrow money on the credit of the City and to issue certificates of obligation, time warrants, notes
1012 or other evidence of debt in order to cover any emergency. If at any time during the fiscal year it
1013 appears probable to the City Manager that the revenues available will be insufficient to meet the
1014 amount appropriated, the City Manager shall report to the Council without delay, indicating the

estimated amount of the shortfall, any remedial action taken and recommend any other steps to be taken. The Council shall then take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by Ordinance reduce one or more appropriations. At any time during the fiscal year, the Council may, by Ordinance, transfer part or all of the unencumbered appropriation balance from one department to the appropriation for other departments or purposes: The City Manager may transfer part or all of any unencumbered balances among programs within a department and shall report such transfers to the Council in writing in a timely manner.

Section 8.07 Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; but the appropriation shall expire if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 8.08 Capital Improvement Program. The City Manager shall prepare and submit to the Council a five (5) year Capital Improvement Program ("CIP") at the same time each year as he/she submits the proposed budget. The CIP shall specify Year 1 as and in conjunction with the proposed annual operating budget and carry plans forward through the subsequent years. The following budget year, Year 2 of the CIP (with or without amendment) becomes Year 1 and the plan is extended out another year to maintain the five (5) year horizon. The CIP shall include:

- a. A clear general summary of its contents;
- b. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for each;
- c. Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- d. The method of financing proposed for each capital expenditure;
- e. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- f. Any capital improvements contemplated by any proposed Annexation or the Annexation Plan.

The CIP shall be revised and extended each year with regard to capital expenditures and improvements pending or in process of construction or acquisition.

Section 8.09 Public Records. Copies of the budget, CIP, and appropriation and revenue Ordinances shall be public records and shall be made available to the public at suitable places in the City.

Section 8.10 Bonds and Other Financial Obligations. The Council shall have the power to borrow money on the credit of the City and to issue bonds, certificates of obligation, warrants, notes or other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by State law or this Charter. Notwithstanding any other provision of this Charter to the contrary, Ordinances authorizing the issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, or Ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness, shall require two (2) Readings. Any Bond Petition protesting issuance of bonds or certificates of obligation shall comply with applicable State law and any Election held shall be conducted in the manner for bond Elections under Chapter 1251, Government Code. The issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness shall be subject only to the following limitations:

- a. No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote of the Residents voting at an Election held for such purpose;
- b. No indebtedness or obligation shall be issued except in compliance with the requirements of State law;
- c. No form of indebtedness other than general obligation bonds approved by public vote may be issued without a public hearing being held; and
- d. Prior to the required public hearing notice of such hearing shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the City and posted on the City's website;
- e. The published notice shall clearly summarize the relevant statutory provisions providing for a Bond Petition and Election; give the time, date and place at which the public hearing will be held, and the time, date and place at which the issuance of the indebtedness is planned to be authorized; and the manner and funding source proposed for the payment of the debt obligations; and
- f. The authorization for bonds authorized but not issued shall expire ten (10) years after the date of authorization.

(Rev. November 2, 2021)

Section 8.11 Issuance of Tax Obligations; Petition and Election. Regardless of any other sources for payment of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, if any such obligation pledges ad valorem taxes, the debt instruments may not be issued unless the City publishes notice of its intention to issue these debt instruments. The notice shall be published as required by State law, and if not required by State law it shall comply with this section. The notice must be posted on the City's website and published once a week for two (2) consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, as amended, that is of general circulation within the City, with the date of the first publication to be prior to the 14th day before the date tentatively set for the passage of the Order or Ordinance authorizing the issuance of the certificates. The notice shall state the:

- 1098
- 1099 a. Time and place tentatively set for the passage of the Order or Ordinance
- 1100 authorizing the issuance of the certificates or obligations;
- 1101 b. Maximum amount and purpose of the certificates or other obligations to be
- 1102 authorized; and
- 1103 c. Manner in which the debt instruments will be paid for, whether by taxes, revenues,
- 1104 or a combination of the two.

1105

1106 Unless provided otherwise by State law, if before the date tentatively set for the authorization of

1107 the obligations the City Secretary receives a Bond Petition, signed by registered voters equal in

1108 number to at least five (5) percent of the number of registered voters in the City at the time of the

1109 last General Election, protesting the issuance of the debt instruments, the City may not authorize

1110 the issuance of the obligations unless the issuance is approved at an Election ordered, held and

1111 conducted in the manner provided for bond Elections under State law.

1112 (Rev. November 2, 2021)

1113

1114 **Section 8.12 Issuance of Revenue and General Obligation Bonds.** The City shall have power

1115 to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing

1116 public utilities, recreational facilities, or facilities for any other self-liquidating municipal

1117 function not now or hereafter prohibited by State law, and to issue revenue bonds to evidence the

1118 obligation thereby created. Such bonds, when issued, shall be a charge upon and payable solely

1119 from the properties acquired or interest therein and the income there from, and shall never be debt

1120 of the City. The Council shall have authority to provide for the terms and form of any purchase

1121 agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue

1122 bonds and the acquisition and operation of any such property or interest.

1123

1124 **Section 8.13 Compliance with State law.** The City shall have the power to borrow money on

1125 the credit of the city and to issue general obligation bonds for permanent public improvements or

1126 for any other public purpose not prohibited by State law, and to issue refunding bonds to refund

1127 outstanding bonds of the City previously issued. All bonds shall be issued in conformity with the

1128 State law.

1129

1130 **Section 8.14 Interest and Sinking Fund.** The Council shall levy an annual tax sufficient to pay

1131 the debt service and maintain the required interest and sinking fund on all outstanding general

1132 obligation bonds of the City, and all other bonds as required by State law or bond covenant. The

1133 interest and sinking fund for each such bond issue shall be deposited in a separate account and

1134 shall not be diverted to or used for any other purpose during the time that any such bond is

1135 outstanding, other than to pay the interest and principal on such bonds. The interest and sinking

1136 fund maintained for the redemption of any debt may be invested in any interest-bearing bond of

1137 the United States of America, the State of Texas, or any other investment authorized by law.

1138

1139 **Section 8.15 Independent Audit.** At the close of each fiscal year and at such other times as it

1140 may be deemed necessary, the Council shall cause an independent audit to be made of all accounts

of the City by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its Officers. Upon completion of the audit, the auditor shall make a public report to the Council and the audited financial statement shall be filed with the City Secretary.

Section 8.16 Purchasing and Contracts. All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the applicable State law governing competitive bids. If State law does not govern and regulate purchasing and competitive bidding by home-rule municipal corporations, the Council shall provide such regulations by Ordinance.

ARTICLE IX - TAXATION

Section 9.01 Powers of Taxation. The Council shall have the power to levy all types of taxes that are not inconsistent with State law, including, but not limited to, motel/hotel occupancy taxes, occupational taxes, use taxes, alcohol taxes, and ad valorem taxes on all real, personal and mixed property within the City that is not exempt from taxation.

Section 9.02 Procedures. The procedures, limitations, and requirements for the levy, assessment, and collection of any tax or lien therefore shall be as established by State law; provided that, if not established by State law, such procedures, limitations and requirements shall be established by Ordinance.

Section 9.03 Tax Lien and Liability. All taxable property within the City on the first day of January each year shall stand charged with a special lien in favor of the City for ad valorem taxes, and the owner of such property on that date shall be personally liable therefore, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the City as authorized by State law, or by the City withholding the payment of any debt or obligation owed to such owner or person by the City; by reducing the amount of any debt owed to such owner or person by the City by an amount equal to the unpaid taxes, penalties and interest; or otherwise by counter-claim and offset in any legal proceeding.

Section 9.04 Collection of Taxes. The City may contract with the Travis County Tax Assessor-Collector or any other qualified entity to collect taxes for the City. The Council may create a City office or a department with the duties of tax collection. If created, the City Manager shall appoint an individual as City Tax Collector to collect taxes and to perform such other duties as assigned. The Tax Collector shall give a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council but shall not be less than the amount of tax collections under the Tax Collector's control at any one time. All taxes due the City shall be payable at such place as authorized by State law or the City Council. All taxes due the City shall be due and payable when and as provided by State law or Ordinance. Ad valorem taxes may be paid at any time after the tax rolls for the year have been completed and approved. If the due date for ad valorem taxes is

not set by State law or Ordinance, the due date shall be the 1st day of February following the levy, and all such taxes not paid on or before the due date shall be deemed delinquent and shall be subject to such penalty and interest as provided by State law. The Council may provide further by Ordinance, that all delinquent taxes due the City may be paid in installments. Failure to levy and assess taxes shall not relieve the persons, firm, corporation or property so omitted from obligation to pay such current or past-due taxes, and all such persons, entities, and property shall be and remain liable for the taxes that would have been assessed for any prior or current year had the property been rendered or the taxes levied and assessed.

ARTICLE X - FRANCHISES AND PUBLIC UTILITIES

Section 10.01 Public Services and Utilities. The City shall have the full power and authority to:

- a. Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, race tracks, transportation, communications, golf courses, cemeteries, cable television, or any other public service or utility;
- b. Purchase, manufacture, produce, sell or provide its own electricity, gas, water or any other product, good, article or commodity that may be required or desired by the public for municipal purposes, and contract with any person, entity or utility to accomplish any such purpose;
- c. Distribute and/or sell any utility, commodity or service, and mortgage, encumber and operate any public utility or public service system;
- d. Regulate and control the distribution of utilities and services within the City and establish standards of service and quality of products; and
- e. Establish and enforce rates to be paid by consumers and users of any utility or service provided within the City, and, if provided by the City, outside of the City.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain to acquire all or part of the property of any public utility or public service provider within the City whenever found by the Council to be in the public interest for carrying out the objectives of providing utilities or services within the City. Any such eminent domain or condemnation proceeding shall be according to the procedures and the methods of establishing the value of the property and facilities as provided by State law, and if such procedures or methods are not so provided by State law as reasonably provided by Ordinance.

Section 10.02 Franchises. The Council shall have the power and authority to grant Franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City. No individual, organization, entity, political subdivision, corporation, public utility, or any provider of public service shall provide any service within the City requiring

the use or occupancy of any street, public right-of-way or property without first being granted a Franchise or permit to use such City facilities. The Franchise Ordinance or permit shall fully describe the terms of the Franchise agreement and, regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the Residents and shall include but not be limited to the terms prescribed in this Charter. No Franchise Ordinance or permit shall be granted prior to a public hearing for which ten (10) business days notice is given.

Section 10.03 Franchise Limitations. No exclusive Franchise shall ever be granted, unless specifically provided for by State law, and Franchises shall be transferable only upon authorization of the Council expressed by Ordinance. A Franchise may not be transferred except to a person, firm or entity taking all or substantially all of the Franchise's business in the City. The expiration date of all Franchises shall be specified, and the term thereof may be extended or renewed only by Ordinance.

Section 10.04 Franchises for Public Utilities. The Council shall have the power to grant, amend, renew or extend by Ordinance, or to deny, the Franchise of all public utilities of every character serving the City, including, but not limited to, persons or entities providing electricity, gas, water, sewage, or telephone service, or any similar commodity or utility to the public. The effective period of public utility Franchises may be set by the Council but shall not exceed twenty (20) years unless such extended term is specifically approved by a majority of the registered voters at an Election held for that purpose.

Section 10.05 Franchises for Public Services. The Council shall have the power to grant, amend, renew or extend by Ordinance, or deny, the Franchise of all providers of public services to the City. Public services include, but are not limited to, emergency services (e.g., fire, ambulance, etc.), cable television services, transportation services, sanitation services, and any other service or business using the public streets or property within the City to provide service. The effective period of public service Franchises may be set by the Council but shall not exceed ten (10) years.

Section 10.06 Regulation of Franchises. All grants of Franchises as authorized in this Charter shall be subject to the right of the Council to:

- a. Determine, fix and regulate the charges, rates or compensation to be charged by the person or entity granted a Franchise;
- b. Repeal the Franchise by Ordinance at any time upon the failure or refusal of the Franchisee to comply with the terms of the Franchise, this Charter, or any applicable City Ordinance or State law, or any valid rule of any regulatory body;
- c. Establish standards and quality of products or service;
- d. Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to all the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency;

- e. Prescribe the method of accounting and reporting to the City so that the Franchisee will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the Franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or State agency for such service;
- f. Examine and audit at any time the accounts and other records of any Franchisee and to require annual and other reports prescribed in the Franchise Ordinance;
- g. Require such compensation, regulatory, rental and Franchise fees unless prohibited by State law;
- h. Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public;
- i. Require every Franchise holder to allow other Franchise holders to use its facilities if the Council considers such joint use to be in the public interest. In the event of joint use, reasonable terms of use may be imposed by, and a reasonable rental paid to the owner for the use of such facility. If the Franchise holders are unable to agree on terms and/or rentals for the joint use of facilities, the Council shall, after notice and hearing, set reasonable terms and fix a reasonable rental application to such joint use; and
- j. In the event of any damage or destruction to public or private property by Franchisee, require said Franchisee to restore, at its expense, such public or private property to a condition equal to or better than that before being damaged or destroyed.

Section 10.07 Penalty Authorized. The Council shall have the power and authority to review any Franchise at any time and to assess a penalty against the Franchisee for its failure to comply with the Franchise, this Charter, the Ordinances of the City or the laws of the State. If in the opinion of Council, the requirements of the Franchise, Charter, Ordinances or State law are not being complied with, the Council shall so notify the Franchisee in writing stating the provisions the Franchisee has failed to comply with and setting a time for a hearing and deadline for correction of the noncompliance. The Council may assess and enforce a reasonable penalty based upon the facts, issues and circumstances determined at the hearing if noncompliance is found. If the Franchisee does not correct the noncompliance within a reasonable time established by the Council for correction, the Council may repeal or cancel the Franchise.

Section 10.08 Franchise Value Not To Be Allowed. In determining the just compensation to be paid by the City for any public utility or public service property or facilities which the City may acquire by condemnation or otherwise, no value shall be assigned to any Franchise granted by the City.

Section 10.09 Extensions. Unless provided otherwise in the Franchise or limited by a Certificate of Convenience and Necessity held by the franchisee, franchisees shall be required to extend services to all parts and portions of the City. All extensions of any public utility lines, conduit, pipe or systems shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Chapter and the Franchise. The right to use and maintain any such extension shall terminate with the Franchise.

Section 10.10 Other Conditions. All Franchises heretofore granted are recognized as contracts between the City and the Franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- a. The power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved;
- b. The general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced; and
- c. The Council shall review each Franchise at its first renewal date subsequent to the adoption of this Charter and shall cause the Franchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the Franchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing Franchise.

Section 10.11 Election Required. No City owned electric utility, gas, water, sewer, cable television, or telecommunications system, park, swimming pool, or other utility shall ever be sold or leased without authorization by a majority vote of the registered voters of the City voting at an Election held for such purpose.

Section 10.12 Contracts Concerning City Property. The Council shall have the power to grant, amend, renew or extend contracts as follows:

- a. When not detrimental to the public interest and there will be no inconvenience or expense to the public, the Council may grant a license to occupy a small area of property for any purpose for which licenses are commonly used by Texas cities; and
- b. For the operation and management of City owned facilities such as swimming pools, civic centers, parks, golf courses, water and wastewater treatment plants and any other such property; provided that no such contract shall be let except upon opportunity for competitive bids and proposals, not to exceed a term of five (5) years unless approved at an Election held for such purpose.

ARTICLE XI - GENERAL PROVISIONS

Section 11.01 Oath of Office. All Officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Texas Constitution. The oath shall be administered by a person authorized by State law to administer oaths.

Section 11.02 Bonds for City Employees. The Council may require good and sufficient bond or equivalent be given by appointed Officers or employees handling funds of the City and may require bond of other Officers or employees in its discretion. The expense of any such bond shall be paid by the City.

Section 11.03 Public Records. All public records of the City shall be open to inspection and copying by the public, subject to rules, regulations and exceptions provided by State law and the Council. However, records permitted to be closed to the public by State law shall not be considered public records for the purposes of this Section. The Council may, by Ordinance, provide for the accurate and permanent copying or reproduction of public records by microfilm or other photographic process.

Section 11.04 Conflicts of Interest and Standards of Conduct. No City Official or employee, either elected, appointed or employed, shall have any personal financial interest, direct, indirect or otherwise in any City contract or transaction or by reason of ownership or stock in any corporation or contract with the City; provided, however, that the provision of this Section shall only be applicable when the stock owned by the Officer or employee exceeds one (1) percent of the total capital stock of the corporation. Willful violation of this section by the person or corporation contracting with the City shall render the contract void. Furthermore, breach of this section shall constitute malfeasance in office, resulting in forfeiture of office or position, by any Officer or employee that has an interest in any such contract and participates in the award of any the contract. The Council shall by Ordinance establish rules, procedures and methods of enforcement and penalties relative to conflict of interest and equal treatment.

Section 11.05 Ethics Policy and Code of Conduct. The Council shall adopt and from time to time modify and amend an ordinance providing an ethics policy and code of conduct applicable to the Officers, employees, boards and commission members of the City. The ethics policy and code of conduct may provide penalties for violations, up to and including removal from office, on the concurrence of the Council or the City Manager, as applicable.

Section 11.06 Acceptance of Gifts. No Officer or employee of the City shall accept directly or indirectly, any non-cash item, gift, favor, or privilege, or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

Section 11.07 Notice of Claim Against City. Except as provided for by the Texas Constitution or a State law in conflict herewith, the City shall not be liable for any damages, attorney fees, costs of court, or other monies regarding any matter whatsoever, unless notice shall have first been given to the City in compliance with this Section, as follows:

- a. Before the City shall be liable for any damage, claim or suit, attorney fees or costs of court, arising out of or for any personal injury or damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing duly certified within ninety (90) calendar days after the date of the alleged damage, injury, or violation of statutory duty or right, stating specifically in such notice when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) calendar days after such death(s) give notice as required above; and
- b. Before the City shall be liable for any damages, attorney fees, court costs, or monies whatsoever, whether arising out of an action authorized by statute for declaratory judgment or similar relief, or for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or damage, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing not less than thirty (30) calendar days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all City Officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and upon request of the City Manager or the Council meet, confer and negotiate with the City for the purpose of reaching an acceptable compromise and settlement.

Section 11.08 Exemption from Execution and Garnishment. All property and assets of the City shall be exempt from execution and shall not be liable for sale or appropriation by writ of execution. All funds of the City, possessed by any person, firm, or corporation or other entity, shall be exempt from execution and not be liable to garnishment, attachment, or sequestration, on account of any debt the City may owe or funds or property it may have on hand owing to any person. The City and its Officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any withholding or assignment of wages or funds by its employees, agents, or contractors except as required by State law.

Section 11.09 Power to Settle Claims. The Council shall have the sole authority to compromise and settle any and all claims and all suits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

Section 11.10 Bribery Prohibited. No person who seeks appointment, employment, or promotion with respect to any City office or employment shall, directly or indirectly, give or pay any money or other thing of value, or render any service, or offer to so give, pay or render, any valuable thing to any person for or in connection with his/her proposed or actual appointment, hiring or promotion.

Section 11.11 Political Activities of City Officers and Employees. No City Officer or employee, who receives wages or a salary from the City, shall in any manner solicit or assist in soliciting any assessment, subscription or contribution for any political purpose whatever from any City Officer or employee, nor shall such person receive any contribution to the campaign fund of any other candidate for City office, or participate in the management of the campaign fund of any other candidate for City office. No Member of or candidate for the Council shall in any manner request or solicit any salaried Officer or employee of the City to make a political contribution to any candidate for an elective office.

Any person who by himself or with others violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of Five Hundred U.S. Dollars (\$500). Any person convicted under this Section shall be ineligible to hold any City office or position for a period of five (5) years after conviction; and shall immediately forfeit his/her City office, employment or position.

Section 11.12 Separability. It is hereby declared that the sections, paragraphs, sentences, clauses and phrases of this Charter are severable and, if any word, phrase, sentence, paragraph or section of this Charter should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Charter, since the same would have been enacted without the incorporation of any such invalid word, phrase, clause, sentence, paragraph or section. If any provision of this Charter shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect any other provision or application of this Charter which can be given effect without the invalid provision, and to the fullest extent possible this Charter shall be construed and read in a manner to give effect to the original intent and meaning of this Charter as modified only by the deletion of such invalid word, phrase, clause, provision or section, and to this end the provisions of this Charter are declared to be severable.

Section 11.13 Charter Amendment. Amendments to this Charter must be formulated and submitted to the voters of the City in the manner prescribed by State law.

Section 11.14 Charter Review. The Council shall appoint a Charter Review Committee comprised of Residents of the City to periodically review the Charter after its adoption. Charter reviews shall be conducted at least every four (4) years. The Council shall appoint a minimum of

three (3) members and no more than six (6) members to serve for a twelve (12) month term, and such term may be extended by the Council. The Charter Review Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held, and the Charter Review Committee shall have the power to compel the attendance of City Officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments.

Section 11.15 Construction of Charter. The powers and authority granted in this Charter shall be liberally construed as general grants of power, and the limitations on the powers of the Council and City government specifically set forth in this Charter shall be liberally construed in the same manner as the Texas Constitution is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power which would be competent for the Residents of the City to expressly grant to the City under the Texas Constitution shall be construed to have been granted to the City by this Charter. Consistent with the intent of this Charter that the City have full power of self-government, the listing or inclusion of specific powers and authority in this Charter shall never be interpreted or construed as a limitation of the City's powers, or as excluding any power or authority not specifically listed. And, to that end, when this Charter refers to grants or limitations on the powers of the City as provided by State law, the term "State law" shall include "federal law" unless the context clearly shows otherwise.

In the event of a conflict or ambiguity between provisions of this Charter, such provisions shall be construed in a manner that most effectively upholds the principles of transparency, accountability, and the individual rights of Council Members as set forth in this Charter.

Section 11.16 Reservation of Defenses. Nothing contained in this Charter or in any Ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law, or State or federal law. No such right, privilege, defense or immunity may be waived except by the Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

Section 11.17 Applicability of General Laws. In addition to the powers conferred by the Texas Constitution and State laws applicable to home-rule municipal corporations, as now or hereafter enacted, and by this Charter and the Ordinances enacted pursuant hereto, the City shall also have the power to exercise any and all powers conferred by State law upon any other kind of city, town or village, not contrary to the provisions of said home-rule municipal corporation State laws and this Charter. However, no limitation or restriction applicable to general law cities shall extend to the City, and the exercise of any such powers by the City shall be optional at the discretion of the Council.

Section 11.18 Submission of Charter to Voters. The Charter shall be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on November 02, 2004. Not less than thirty (30) days prior to an election, the Council

shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters.

If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Lago Vista. After the returns have been canvassed, the same shall be declared adopted; and the City Secretary shall file an official copy of the Charter with the records of the City. This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption.

The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Section 11.19 – Whistleblower Protection – In addition to protections in Chapter 554 of the Texas Government Code, City employees shall have the right to communicate with any elected Official without fear of reprisal. This includes raising concerns regarding policy, operations, or employment matters. Any retaliation against employees for exercising this right is prohibited.

Editor's note-This Charter was originally adopted by the voters of the City at an E held November 2, 2004, and has been subsequently amended at Elections held on November 3, 2015, on November 6, 2018, on November 2, 2021, and November 4, 2025.

Exhibit 2025 – 01

Transition Process for staggering three (3) year terms adopted in 2025 applicable to 2026, 2027, and 2028 elections.

In the first three (3) elections following adoption of three (3) year terms, offices will be elected following the process as follows:

- In the first Election [2026] after adopting three (3) year terms, Places 2, 4 and 6 will be up for election. Two (2) Places will be elected to serve three (3) years, and one (1) Place (“Short Term”) will serve a one-time two (2) year term to set up a staggered cycle.
- In the second Election [2027] after adopting three (3) year terms, the Mayor and Places 1, 3 and 5 will be up for election. The Mayor and two (2) Places will be elected to serve three (3) years, and one (1) Place (“Short Term”) will serve a one-time one (1) year term to set up a staggered cycle.
- In the third Election [2028] after adopting three (3) year terms, the two (2) “short terms” from the prior two (2) elections will be elected to serve three (3) years, completing the transition to staggered three (3) year terms.
- All subsequent elections will be for three (3) year terms for the Mayor and Council Members, with two (2) places elected each year, and the Mayor elected every third election.

The transitional “short terms” will be determined as follows:

- If there is a single uncontested race, the uncontested race is the “short term”.
- If there are no uncontested races, or multiple uncontested races in 2026 and 2027, the winning candidate with the lowest vote total receives the short term.

LAGO VISTA CITY CHARTER REVIEW COMMITTEE 2025
NONSUBSTANTIVE CHANGES RECOMMENDED

The following non-substantive modifications and corrections, in addition to general grammatical, spelling, punctuation or other scrivener errors, have been made to the City of Lago Vista Home Rule Charter to avoid duplication, for consistency and clarity of meaning:

- A. The terms listed below and defined in ***Section A, Definitions***, along with all terms defined within the body of the Charter, have been capitalized throughout the Charter. All synonyms, similar words and/or like phrases to such defined terms have been replaced with the defined term:
- 1) Annexation
 - 2) Canvass
 - 3) Charter
 - 4) City
 - 5) Council
 - 6) Council Member
 - 7) Election
 - a) General Election
 - b) Special Election
 - c) Run-Off Election
 - 8) Franchise
 - 9) Meeting
 - a) Special Called Meeting
 - b) Executive Session
 - c) Regular Meeting
 - 10) Official Notice
 - 11) Ordinance
 - a) Alternate Ordinance
 - b) Initiated Ordinance
 - c) Referred Ordinance
 - d) Emergency Ordinance
 - 12) Petition
 - a) Bond Petition
 - b) Initiative Petition
 - c) Recall Petition
 - d) Referendum Petition
 - 13) Reading
 - 14) Recall
 - 15) Referendum
 - 16) Resident
 - 17) State
- B. References to numerical values and dollar amounts have been reflected as both a number and spelled out in its entirety.
- C. All references to “*days*” have been clarified to state either “*business days*” (i.e., Monday through Friday), for instances of fourteen (14) days or less or “*calendar days*” (i.e., Monday – Sunday), for instances of thirty (30) days or more.
- D. References to the various different actions that may be taken as a matter of course in conducting the business of the City of Lago Vista, including but not limited to ordinances, resolutions, petitions, notices, City Council meetings, and elections, all actions are defined in ***Section A, Definitions*** and have been specified within.
- E. All references to legal authorities, such as but not limited to, the “*state*,” “*law*,” “*statute*,” and “*constitution*” have been corrected and defined to designate the State of Texas as the applicable authority.

- F. **Section 2.01 General, first paragraph** has been corrected to reflect the City’s official status as a “*home-rule municipal corporation under Article XI of the Texas Constitution*” as opposed to a “*home-rule city*.”
- G. **Sections 2.02, 8.16, 11.16** - the phrase “*home-rule city*” has been replaced with “*home-rule municipal corporation*.”
- H. **Section 3.08 Removal from Office, second paragraph** has been modified to replace “*person receiving complaint*” to “*Mayor or Mayor Pro Tem, as the case may be*” **and** to replace “*it*” with “*the complaint*.”
- I. **Section 3.08 Removal from Office, third paragraph** has been modified to move the last sentence in the third paragraph: “*The Council may schedule and reschedule any such hearing for any reason, including convenience, to enable attendance by all Members of the Council*” to follow the second sentence of said paragraph.
- J. **Section 3.12 Quorums, first sentence** that reads: “*Three (3) Members of the Council and the Mayor, or the Mayor Pro- Tem and three (3) Council Members during the absence of the Mayor, shall constitute a quorum for the purpose of transaction of business.*”
- has been rephrased to read:
- “*Three (3) Members of the Council and the Mayor, or three (3) Members of the Council and the Mayor Pro-Tem during the absence of the Mayor, shall constitute a Quorum for the purpose of transaction of business.*”
- K. **Section 3.12 Quorums, second sentence, middle portion** that reads:
- “*...provided that less than a quorum may adjourn any meeting or canvass an election...*”
- has been moved to the last sentence of **Section 3.12** and reads as follows:
- “*Notwithstanding the foregoing, less than a quorum may adjourn any meeting or Canvass an Election*”
- L. **Section 4.01 City Manager, first paragraph, first sentence** has been modified to delete the portion that reads:
- “*...or change the City’s Manager’s compensation package replace*”
- and to rephrase the **second to last sentence** of the same paragraph from:
- “*The Council shall reserve the right to raise or lower compensation package at its sole discretion by the vote of five (5) members or more.*”
- to
- “*The Council shall reserve the right to raise, lower, or change the City Manager’s compensation package at its sole discretion by the vote of five (5) members or more.*”
- M. **Section 4.01(j) City Manager** has been modified to replace “*he/she*” with “*the City Manager*.”
- N. **Section 4.05 City Police, first sentence** has been modified to refer to the “*Police Department*” as the “*City of Lago Vista Police Department*.”
- O. **Section 5.01 City Elections, second sentence** has been modified to replace
- “*All terms of office for the members shall be as set forth in Section 3.01*”
- with
- “*All terms of office for the Mayor and all Council Members shall be as set forth in Section 3.01.*”
- P. **Section 6.04 Commencement of Proceedings, second paragraph, second sentence** has been modified to replace
- “*The City Secretary shall examine the filing for sufficiency as to form and certified place the time and date of the certification for circulation on such Petition and documents.*”
- with

“The City Secretary shall examine the filing for sufficiency as to form and if sufficient, certify said filing and affix the time and date of the certification for circulation on such Petition and documents.”

- Q. **Sections 8.05, 8.10(d) and 8.11** have been modified to include the phrase “...and posted on the City’s website” where an official notification is required.
- R. **Section 8.08 Capital Improvement Plan, last sentence** has been modified to replace
“The CIP shall be revised and extended each year with regard to capital improvements pending or in process of construction or acquisition.”
with
“The CIP shall be revised and extended each year with regard to capital expenditures and improvements pending or in process of construction or acquisition.”
- S. **Section 8.11 Issuance of Tax Obligations, paragraph 1, second to last sentence** has been modified to replace the word “before” with “prior to.”
- T. **Section 9.04 Collection of Taxes, fifth sentence** – the phrase “his or her” has been replaced with “the Tax Collector.”
- U. **Section 10.05 Franchise for Public Services, second sentence** – the phrase “ambulance services” has been replaced with “emergency services (e.g., fire, ambulance, etc.)”
- V. **Section 10.6(g) Regulation of Franchises.** The phrase “as may not be” has been replaced with “unless.”
- W. **Section 10.6(j) Regulation of Franchises** has been modified to replace:
“Require Franchisee to restore, at its expense, all public or private property to a condition equal to or better than that before being damaged or destroyed by the Franchisee.”
with
“In the event of any damage or destruction to public or private property by Franchisee, require said Franchisee to restore, at its expense, such public or private property to a condition equal to or better than that before being damaged or destroyed.”
- X. **Section 11.07(a) Notice of Claim Against City, last sentence** – delete the phrase “of the injured person.”

Lago Vista, TX 2025 Charter Review Committee

CALL TO ORDER:

On the 4th day of June 2025, the Charter Review Committee held a regular meeting at 4:00 p.m. in Council Chambers at 5803 Thunderbird, Lago Vista, Texas, and was called to order by Chairperson Aird at 4:00 p.m.

IN ATTENDANCE:

Committee Members:

Lynda Aird, Chair

Gene Harris

Robert Owen, Secretary

Tracey Pitts

Mike Slaughter, Vice-Chair

Council Liaison(s):

Shane Saum

Staff Liaison:

Charles West, City Manager

CITIZEN COMMENTS

No Citizen participation

STAFF AND COUNCIL LIAISONS REPORTS

1. Routine reports from City Council liaison(s) - Council Liaison Saum advised that the amended agenda for the 6/5/25 City Council meeting posted on 6/2/25 included a work session item for the CRC to present proposed changes to date. The committee consensus was Chairperson Aird, Sec. Owen, and Mr. Harris may represent the CRC before the City Council.
2. Routine report from City Staff – none.

ACTION ITEMS

3. Approval of meeting Minutes from May 21, 2025, Charter Review Committee Meeting – **On a motion by Mr. Harris, seconded by Mr. Slaughter, approval of the May 21, 2025, minutes were unanimously approved.**
4. Discussion, consideration, and possible action regarding the City Charter Articles IX- "Taxation;" X- "Franchises and Public Utilities;" XI- "General Provisions".

On a motion Sec. Owen, seconded by Mr. Harris, the committee unanimously recommends striking the phrase "by microfilm or other photographic process" from the last sentence in Section 11.03, if the revision can be considered in the list of "non substantive" edits.

Ms. Pitts made a motion to recommend revising Section 11.06 to allow city employees to accept gifts "in accordance with State law." The motion did not receive a second, although the CRC observes that the current city Ethics Policy allows for gifts while the Charter expressly forbids gifts other than nominal, low value, advertising giveaways.

- **Follow Up:** Sec. Owen agreed to take the Chairperson and committee's feedback and suggest language for consideration to revise Section 11.06 to reconcile the Charter and current actual practices allowed by the Ethics Policy.

On a motion Mr. Slaughter, seconded by Mr. Harris, the committee unanimously recommends adding the following as a second paragraph in Section 11.15 to provide guidance in interpreting conflicts within the Charter:

"In the event of a conflict or ambiguity between provisions of this Charter, such provisions shall be construed in a manner that most effectively upholds the principles of transparency, accountability, and the individual rights of Council members as set forth in this Charter."

The CRC discussed Section 11.17 and specifically how to interpret the meaning of the sentence:

"...the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of City, town or village, not contrary to the provisions of said home-rule statutes and this Charter."

One could read that as the Charter authorizes that if the State confers some power to the City, the City can impose itself on other cities, towns, or villages. This seems nonsensical at face value and is probably meant to read that the city may exercise powers granted to any other home-rule city, town, or village. If so, then this is potentially redundant with powers of the city declared in the Preamble and Article I.

Follow Up: To resolve confusion on Section 11.17, the CRC requested Council Liaison Saum to consult with the city attorney and determine 1) Is the current 11.17 language problematic, and 2) If so, what is the appropriate language the committee needs to recommend to council?

5. Discussion, consideration, and possible action regarding Section 3.06f.

Due to time constraints, discussion of this item was deferred to the next meeting.

ADJOURNMENT

Chairperson Lynda Aird adjourned the meeting at approximately 5:57 p.m.

Respectfully submitted,

ATTEST:

Lynda Aird, Chair



Robert Owen, Secretary

Lago Vista, TX

2025 Charter Review Committee

CALL TO ORDER:

On the 18th day of June 2025, the Charter Review Committee held a regular meeting at 4:00 p.m. in Council Chambers at 5803 Thunderbird, Lago Vista, Texas, and was called to order by Chairperson Aird at 4:01 p.m.

IN ATTENDANCE:

Committee Members:

Lynda Aird, Chair

Gene Harris

Robert Owen, Secretary

Tracey Pitts

Council Liaison(s):

Paul Prince

CITIZEN COMMENTS

No Citizen participation

STAFF AND COUNCIL LIAISONS REPORTS

1. Routine reports from City Council liaison(s) – none.
2. Routine report from City Staff – none.

CONSENT AGENDA

Note: Item 4 was pulled from the consent agenda for discussion.

3. Reject suggested revision of Sec. 3.06(f) as offered in the 6/4 meeting packet and for which discussion was deferred. The author of the suggested revision requested it be withdrawn. Sec 3.06(f) is to remain as- is in the current CRC-amended version of the Charter document.

On a motion by Mr. Harris, seconded by Sec. Owen, the Consent Agenda was unanimously approved.

4. Approval of Minutes of June 4, 2025, Charter Review Committee Meeting.

On a motion by Sec. Owen, seconded by Mr. Harris, the June 4th, 2025 minutes, with deletion of the addendum, was unanimously approved.

ACTION ITEMS

5. Discussion, consideration, and action regarding possible recommendation for Section 11.06.

On a motion Sec. Owen, seconded by Mr. Harris, the committee recommends by 3-1 vote (Pitts dissenting) revising section 11.06 as follows:

Proposed Revision:

Section 11.06 Acceptance of Gifts. ~~No~~ Officers or employees of the City ~~shall~~ may accept directly or indirectly, any non cash gift, favor, or privilege, or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City only in accordance with the City's Ethics Policy. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes. Officers and employees shall not accept cash or cash equivalents under State Law.

6. Discussion, consideration, and action regarding possible recommendation for Section 11.17. The committee reviewed feedback from the city attorney. **On a motion Mr. Harris, seconded by Ms. Pitts, the committee recommends 11.17 be left as currently drafted by unanimous vote.**

➤ **Follow Up:** Ms. Pitts will remove commentary from 11.17 in the charter draft.

7. Discussion, consideration, and action committee's final review and recommendation to City Council of suggested changes to City Charter, including scrivener error corrections and non-substantive edits, additions/modifications, and the addition of a table of definitions by approving the attached transmittal letter.
- a. Non-substantive changes - **On a motion Sec. Owen, seconded by Ms. Pitts, the committee unanimously recommends the addition of definitions in Section A and the non-substantive changes throughout the charter as documented by Ms. Pitts on pages 21-24 of the packet, with the deletion of item "W" on page 24.**
- **Follow Up:** Ms. Pitts will revise the draft definitions non-substantive document for submission, deleting "W".
- b. Attorney Feedback
- i. The committee discussed and accepted the city attorney's recommendation to not revise Article X to remove language that has been superseded by state law, like the regulation of cable television, since city charters are automatically preempted by state law and such authority might be restored by the state in the future.
- ii. The committee discussed and accepted the city attorney's recommendation to not revise Section 11.03.
- iii. The committee discussed and accepted the city attorney's recommendation to not revise Section 11.09.
- iv. The prior feedback from Art Rodriguez in the city attorney's office has been incorporated into the draft document for the benefit of city council review, and his suggested edit in 6.11 to reference 3 year terms to align with the CRCs recommendation to change council to 3 year terms will be added to recommendation #3.
- **Follow Up:** Ms. Pitts will remove prior edits/commentary from 11.03 on page 82 and 11.09 on page 84 of today's charter draft.
- c. Term Limits – The committee revisited the topic of term limits and maintains term limits should not be recommended for 2025. However, **on a motion by Sec. Owen, seconded by Mr. Harris, the committee unanimously recommends, if term extensions are approved by the voters in 2025, the 2027 City Council should consider placing a charter amendment for term limits on the 2027 ballot.**
- d. Table of Contents – The committee observed that the addition of a table of contents to the charter was approved by the voters in 2018, Proposition G:

2018 PROPOSITION G: Shall the Charter be amended to correct non-substantive grammatical and typographical errors and to allow for the addition of a table of contents?

2018 Proposition G was passed 2687 to 353 per canvassing ordinance 18-11-15-01 (page 5) but is currently missing from the charter. The committee finds no subsequent action to remove the table of contents.

On a motion by Sec. Owen, seconded by Ms. Pitts, the committee unanimously recommends, upon completion of final charter edits and pagination after the 2025 election, a table of contents already approved by the voters be added to the charter.

- e. Final Recommendations – **On a motion by Sec. Owen, seconded by Mr. Harris, the committee unanimously approves Chairperson Aird to formally submit the committee’s required written recommendations per the transmittal letter in the packet along with the final presentation and final charter draft with revisions per today’s actions.**
8. Discussion, consideration, and action regarding Committee Approval of Authorized members [all, and a designated ‘primary’] to represent CRC at Council meetings.

All committee members were encouraged to attend the 6/26/25 city council meeting where our final charter recommendations will be presented and all committee members may represent the CRC before city council.

On a motion Ms. Pitts, seconded by Mr. Harris, the committee appointed Sec. Owen by unanimous vote as the primary spokesperson for the committee before city council for all future council meetings where the charter amendments are on the agenda.

9. Discussion, consideration, and action regarding future meeting dates and topics, including Secretary Owen’s suggested topic of “Lessons Learned” (to benefit future Charter Review Committees.)

On a motion by Sec. Owen, seconded by Mr. Harris, the committee, unless sooner dissolved by the city council, unanimously approved the following meeting schedule for the purpose of addressing any city council questions and to document “lessons learned” for future CRCs.

- Maintain the Regular Meeting July 2nd.
- Cancel the Regular Meeting on July 16.
- Add a Special Called Meeting on July 23rd.

10. Discussion, consideration, and action regarding agreeing upon a response to the mayor’s question regarding the appropriate number of ballot propositions council might submit to the voters.

On a motion by Sec. Owen, seconded by Ms. Pitts, the committee unanimously recommended presenting the slide on page 44 of the packet as the committee’s answer to the mayor’s question.

ADJOURNMENT

Chairperson Lynda Aird adjourned the meeting at approximately 5:23 p.m.

Respectfully submitted,

ATTEST:

Lynda Aird, Chair



Robert Owen, Secretary



To: City of Lago Vista City Council

From: Charter Review Committee (2025)

Pursuant to Resolution 24-2097 by the City Council of the City of Lago Vista, Texas, the Charter Review Committee hereby transmits a written report of its findings and recommendations to the council in two documents:

- 2025 Charter Review Presentation
- City of Lago Vista Charter – Redline Final Draft for Submission
- Detailed listing of suggested defined terms and non-substantive revisions

Respectfully submitted,

Lynda Aird

Chairperson, Charter Review Committee



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	June 26, 2025
SUBMITTED BY:	Mayor Sullivan, City Council
SUBJECT:	Discuss all actions the City of Lago Vista may take regarding Tessera development and/or parkland dedications.
BACKGROUND:	<p>The Tessera development has both land and amenities that are owned by the city but funded and operated by the HOA. In 2020, the City adopted Resolution 20-1837, which accepted 7.7241 acres of property for the required parkland dedication; however, Travis County deed records do not properly reflect City ownership of the two parcels that make up the 7.7241 acres. This is likely because the total acreage is over two parcels – Lot 17R1-X and Lot 17R-2-X. Although the filed plats reflect the two lot descriptions, which collectively add up to 7.7241 acres, Resolution 20-1837 only explicitly references Lot 17R1-X. Thus, although the full acreage was conveyed to the City and accepted, the Resolution’s failure to mention both parcels may explain the discrepancy in official Travis County records. Thus, a new resolution, explicitly referencing both parcels is recommended to be adopted and filed.</p>
FINDINGS:	To be determined (TBD)
FINANCIAL IMPACT:	To be determined (TBD)
RECOMMENDATION:	To be determined (TBD)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Saum, City Council

SUBJECT: Discussion regarding adoption of New Section 10.606 – Public Parkland Disclosure and Communication Requirements.

BACKGROUND:

Residents and prospective homebuyers in recent subdivisions—including areas within Public Improvement Districts (PIDs) and Municipal Utility Districts (MUDs)—have expressed concern about the ownership, maintenance, and public accessibility of neighborhood parkland, particularly in developments where public and private amenities are closely intertwined. This ordinance creates a clear, enforceable framework for disclosing parkland status in marketing, on the City’s website, and directly within the development.

FINDINGS:

Section 10.606 establishes minimum transparency requirements for developers of residential or mixed-use subdivisions involving public parkland. Key provisions include:

- Requiring developers to submit all marketing materials related to public parks or amenities for City review prior to public distribution.
- Ensuring the City website displays accurate, developer-coordinated summaries of parkland ownership, maintenance responsibilities, and access rights.
- Mandating a plain-language public disclosure sheet and physical signage onsite indicating whether amenities are public or private.
- Allowing residents or HOAs to submit complaints about misleading marketing materials, which may trigger City staff review and enforcement action.
- Establishing that failure to comply may result in withholding of permits or posting of public notices of noncompliance.

FINANCIAL IMPACT: Not Applicable

ATTACHMENTS:

[Lago_Vista_Ordinance_10_606_Parkland_Disclosure - suggested language](#)

City of Lago Vista, Texas

Code of Ordinances – Chapter 10: Subdivision Ordinance

ARTICLE 10.600 – PARK LAND DEDICATION REQUIREMENTS

Section 10.606 – Public Parkland Disclosure and Communication Requirements

Sec. 10.606.001 Purpose

The City finds that accurate public communication regarding the ownership, maintenance, and accessibility of public parkland is vital to promoting transparency, preventing confusion among residents, and preserving public trust. This section establishes minimum disclosure and communication requirements for developers whose projects include or are adjacent to parkland dedicated to or owned by the City.

Sec. 10.606.002 Applicability

This section shall apply to all residential or mixed-use developments within the City limits or extraterritorial jurisdiction (ETJ) that are subject to parkland dedication requirements or involve Public Improvement Districts (PIDs) or Municipal Utility Districts (MUDs) with parkland represented as a public amenity.

Sec. 10.606.003 Marketing Material Disclosure

(a) Prior to public distribution, developers shall submit to the City any marketing materials—digital or printed—that include references to parkland, trails, open space, or recreational amenities represented as public or City-owned. These materials shall be reviewed for accuracy, particularly regarding:

- (1) Ownership and dedication status of the parkland;
- (2) Maintenance responsibilities;
- (3) Public access and use rights.

(b) The City may require corrections or clarifications prior to issuance of marketing permits or plat approvals.

(c) This requirement shall not be construed as limiting protected speech, but as a condition of compliance with parkland dedication regulations.

Sec. 10.606.004 City Website Coordination

Developers shall coordinate with City staff to ensure the City's website includes accurate, concise, and accessible information about parkland within or adjacent to the development. This shall include:

- (1) A summary of ownership and maintenance;
- (2) Any restrictions on public access or use;
- (3) Status of dedication and related PID/MUD disclosures.

The City may post a disclaimer noting the source of information when provided by a third party.

Sec. 10.606.005 Developer-Provided Public Disclosures

Developers shall provide a one-page, plain-language fact sheet for each applicable parkland area suitable for public posting. The document shall be approved by the City prior to posting and must:

- (1) Clearly identify ownership, access rights, and maintenance entities;
- (2) Be updated as development phases or governing entities change;
- (3) Be made available to associated HOAs, PIDs, MUDs, and sales representatives.

City staff may post these documents to the City's transparency portal and maintain them as part of the subdivision file.

(4) Developer shall install durable, on-site signage identifying whether each recreational amenity is publicly owned or maintained, or if it is private and for limited use.

Sec. 10.606.006 Enforcement

(a) Failure to comply with this section may result in delay or withholding of final plat, construction permit, or marketing permit approvals.

(b) The City may also provide public notice of non-compliance on its website or notify any associated PID or MUD.

(c) Nothing in this section shall prevent the City from pursuing other remedies under this Code or development agreements.

(d) City staff may review credible reports from residents, HOAs, or PID boards regarding inaccurate marketing of public parkland features. If verified, the City may notify the developer and request clarification, correction, or removal of misleading materials.

Sec. 10.606.007 Severability

If any provision of this section is found to be invalid, the remaining provisions shall remain in full force and effect.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Paul Prince, City Council

SUBJECT: Provide directional consensus for upcoming budget plan on Parks, and potential referral to the appropriate commission for recommendations on updates to the tree protection ordinance.

BACKGROUND: The Parks and Rec Advisory Committee (PRAC) held several work sessions, in addition to their normally scheduled monthly public sessions, to study the findings of the Parks Master Plan and has created a report with specific recommendations for council discussion and consideration.

FINDINGS:

1. Parks, recreation opportunities, and trails and open space are high priority to the citizens of Lago Vista.
 - Recommendation: Increase budget priority from what Parks has been given over the past several years. Consider specific recommended items for FY25 and FY26 budget years.
2. Staffing to maintain and enhance our Parks system has been lacking.
 - Recommendation: Staff with appropriate leadership and workers.
3. Tree preservation funds have been added to the general fund, accumulating to \$894,040 over four years (FY21-24)

Any such fees collected by the City shall be placed in a special fund and the use of these funds shall be restricted for the planting of trees or other greenery, for development or improvements of trails, or for development or improvement of pocket parks as determined by the City Council. (Ch14, Part IV sec.20.e.7)

 - Tree preservation funds have been added to the general fund, accumulating to \$894,040 over four years (FY21-24) Recommendation:
 1. Allocate some portion of the fund dollars to the Parks budget for the upcoming budget plan.
 2. Consider updating Tree Preservation Ordinance to:
 - Allow for development or improvement of (all) parks),
 - Protect trees smaller than the current 10"

size

- Increase the replacement fee to account for current actual replacement costs.

FINANCIAL IMPACT:

Dependent on council direction, dollars from the General Fund (GF reserve) could be allocated to parks.

ATTACHMENTS:

[PRAC Preso to City Council 6.26.2025.pptx](#)

Lago Vista Parks & Recreation Advisory Committee

Andrew Gale, Chair
Carolyn Dalglish,
Vice-Chair
Robyn Burkhart,
Secretary

Dawn Knauss
Steve Becker
Ike Coronis
Mark Douglas

Recommendations to City Council

Presented: 6/26/25

PRAC Immediate Objectives

- *Prioritise Parks and Recreation* in City Budget per City Surveys
 - Address safety issues
 - Park improvements - low-hanging fruit
- *Preserve Open Space* in Lago Vista for nature and wildlife
- *Maintain City Parks with City Employees*
 - Add staff for maintenance
 - Interdepartmental staff sharing
- *Create a dedicated Parks Fund* from Tree Mitigation Ordinance Fines
 - Utilise this for Parks Maintenance and Trail Implementation
 - Expand Use of Tree Mitigation Funds for Parks Maintenance and Operations
 - Decrease tree calliper size for mitigation from 10" to 6" and increase fees
- *Re-evaluate all existing leases/agreements* with all

Park Safety – Pickleball Courts

- Player safety needs to be a priority
- Need LED lighting and timer



Park Safety – Sunset Park Entrance

- Lack of lighting, lack of turn lane and lack of highly visible signage on FM 1431 creates a hazardous entrance into the park



Park Safety – Sunset Park Soccer Field Incline

- Elevated soccer field creates a safety issue when accessing from parking lot, steep incline.
- Difficult climb without stairs over rocky area



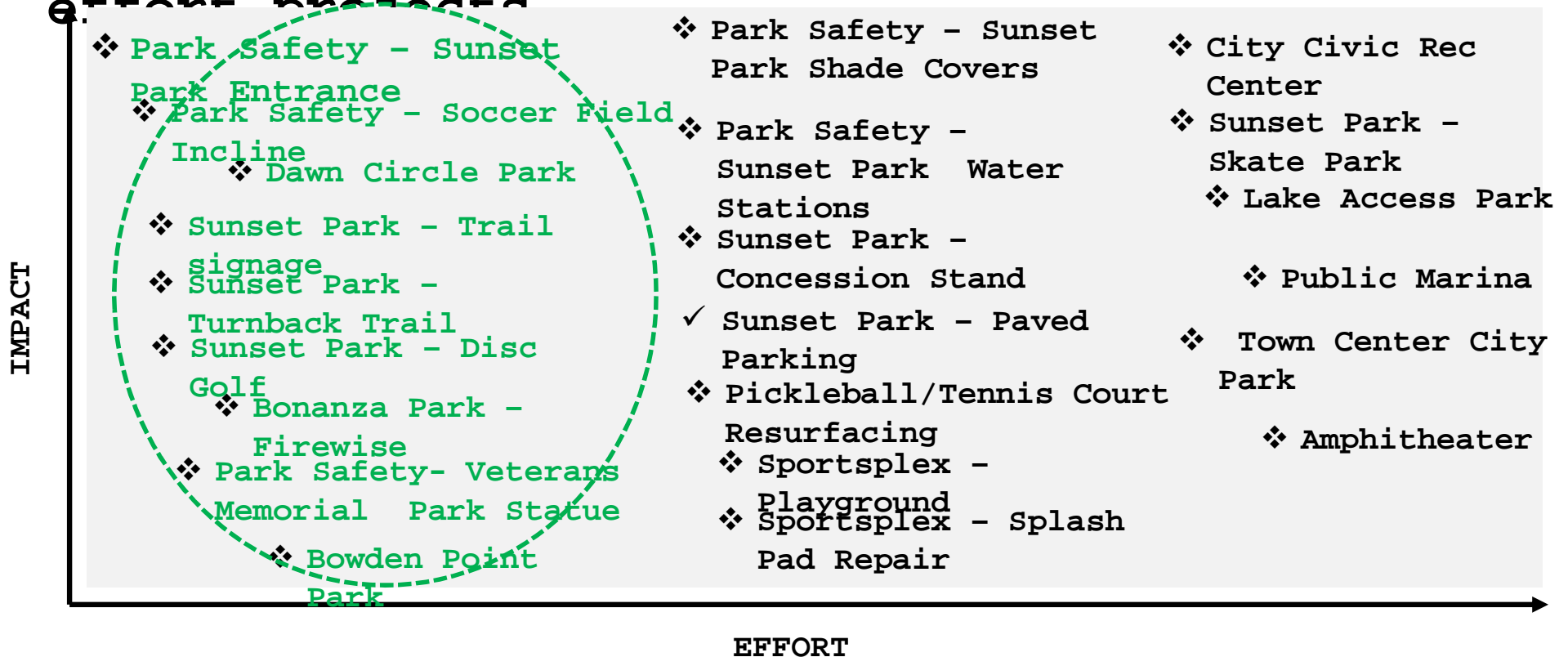
Park Safety -Veterans Memorial Park Statue

- Eagle statue was not welded properly and is cracked and]



Parks Improvements - Impact vs Effort - 2025

Objective - Illustrate high impact, minimal effort projects



Implement Parks Updates for Low Effort Items 2025

• Parks Updates	• Estimated Cost
<ul style="list-style-type: none"> • Sunset Park • Park Entrance / Turn Lane / Signs • Turnback Trail Implementation - June 2025 • Soccer Field Incline - Steps and Rail • Trail Signage • Disc Golf 	<ul style="list-style-type: none"> • \$13,000 • TxDot • Grant Funds • \$2,000 • \$1,000 • \$10,000
<ul style="list-style-type: none"> • Dawn Circle Park • Mulched Trail • Benches along trail - 3 total at \$800 each • 2 commercial picnic tables @ \$1,800 each • Signage • Trash cans - 2 @ \$800 each 	<ul style="list-style-type: none"> • \$9,600 • \$1,000 • \$2,400 • \$3,600 • \$1,000 • \$1,600
<ul style="list-style-type: none"> • Bonanza Park • Clear the park area to be Firewise 	<ul style="list-style-type: none"> • \$5,000

Turnback Trail Update - Conservancy Grant

- Utilizing Turnback Trail Conservancy Grant by June 2025
 - Who is following up?
- In Progress - Will need signage



Sunset Park – Disc Golf

- Minimal effort addition for Sunset Park Recreation
- Players love Disc Golf around treed areas



Dawn Circle Park

- Minimal effort for Neighborhood Park
- Picnic Tables, Benches and Mulched Trail



Dawn Circle Park – additional photos

- Large trees, shaded areas for picnic tables
- Mulched trail leads to lake views



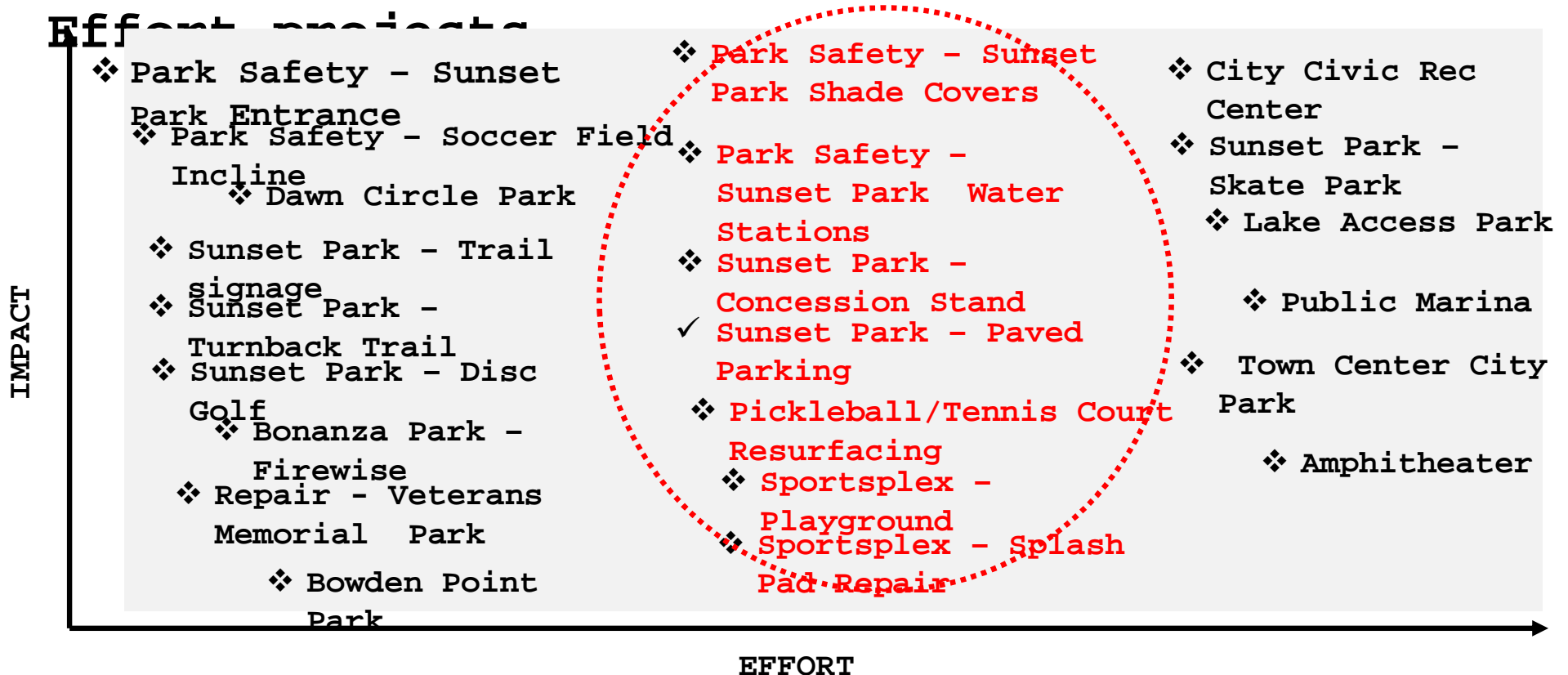
Bonanza Park

- Firewise the park for safety
- Evaluate for future park use



Parks Improvements - Impact vs Effort - 2026

Objective - Illustrate High Impact, Medium Effort projects



Budget for Parks Updates – 2026

Medium Effort Items

Parks Updates	Estimated Cost
Sunset Park <ul style="list-style-type: none"> • Shade Covers • Water Stations • Concession Stand ✓ Paved Parking 	\$60,000 \$20,000 \$25,000 plus sponsorship \$150,000
Resurface Pickleball / Tennis Courts	\$65,000
Bar-K / SportsPlex <ul style="list-style-type: none"> • Playground • Resurface Tennis Courts • Splash Pad Repair / Evaluate Fencing 	\$150,000- Donation or Sponsor \$65,000 - Leverage LVISD partnership \$50,000 - sponsorship

Park Safety – Sunset Park

Water Stations

- Busy weekend with hundreds of park users, with no water stations and no shade in 100+ heat



Sunset Park – Shade Covers & Concession Stand

- No natural shade in Sunset Park Recreation areas
- Concession stand needed for tournament play –
fundraising, parking, etc.



Park Safety – Sunset Park Shade Covers

- No natural shade in Sunset Park Recreation areas
- Need shade covers for bleachers, playground areas and a team pavilion



Park Safety – Sunset Park

~~Paved Parking~~

- Unpaved roads and parking can create hazards during inclement weather
- Paved, marked parking spaces can create a safer,



Resurface Pickleball / Tennis Courts

- Cracked and raised court surfaces create tripping hazards
- Improved netting to avoid errant golf balls



Park Improvement – Bar K / ~~Sportsplex~~

- Update Playground
- Repair Splash Pad

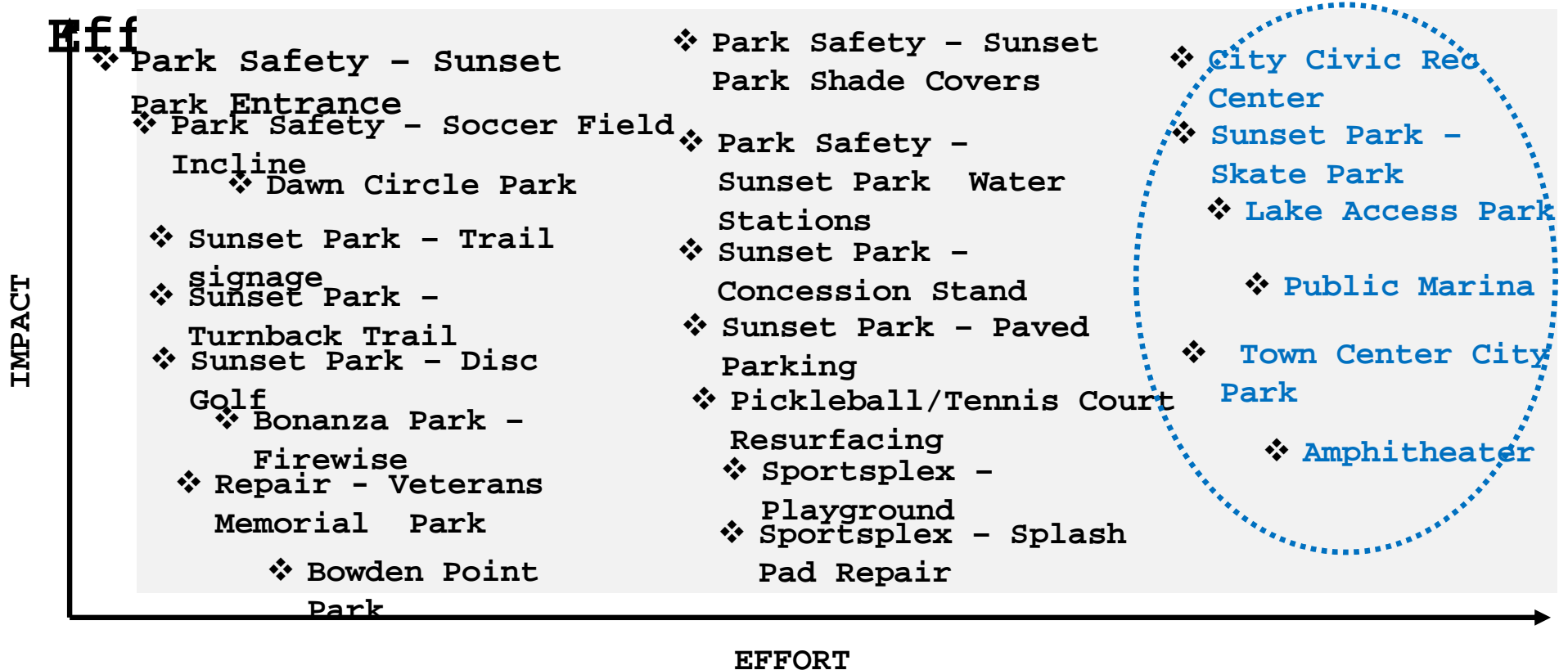


Parks Improvements - Impact vs Effort

Long Range Planning - 2027 - 2037

Objective - Illustrate High Impact, High

Effort



Budget for Parks Updates

Long Range Planning – 2027-2037

Parks Updates	Estimated Cost
City Civic Center	\$xx,xxx
• Community Activity Room	\$xx,xxx
• Town Center City Park	\$xx,xxx
• Amphitheater	\$xx,xxx
Sunset Park – Skate Park	\$xx,xxx
Lake Access Park	\$xx,xxx
Public Access Marina	\$xx,xxx
Town Center City Park	\$xx,xxx
Amphitheater	\$xx,xxx
Bar-K / SportsPlex	\$xx,xxx
• Renovate Ballfield Clubhouse and Bathrooms	\$xx,xxx
• Build Covered Pavilion for Team Usage	\$xx,xxx

Summary Recommendations

- *Prioritize Safety* Improvements to Parks
- *Add Staff* to Department
- *Implement 2025* Low Effort, Minimal Cost Items
- *Utilize Tree Mitigation Funds* Annually per City Ordinance - need budget
- *Update City Tree Ordinances* to Decrease Caliper Size and Increase Fees for Tree Mitigation
- *Plan / Budget for 2026* High Impact, Medium Effort Items
- *Explore funding* for Long Range, High Effort Parks Improvements
 - Grants, Sponsorships and Partnerships
- *Trails Master Plan.* A PRAC document was written in 2022.
- *Turnback Trail Implementation* where following up

**Thank you for listening.
Do you have any questions?**



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	June 26, 2025
SUBMITTED BY:	Mayor Sullivan, City Council
SUBJECT:	Discussion regarding the Finance Sub-Committee update.
FINANCIAL IMPACT:	To be determined (TBD)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	June 26, 2025
SUBMITTED BY:	Susie Quinn, City Secretary
SUBJECT:	Action regarding the May 15, 2025, Regular City Council Meeting Minutes.
BACKGROUND:	The May 15,2025, City Council meeting had technical difficulties with the audio on the video. Because the audio is not available for several agenda items, those items were summarized to provide the necessary background for those items16., 17., 20., and 21., were approved during the time that the audio was not part of the video.
FINANCIAL IMPACT:	Not Applicable
RECOMMENDATION:	Approval of the May 15, 2025, Regular City Council Meeting Minutes.
ATTACHMENTS:	2025-05-15 City Council Minutes

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be viewed at <https://www.lagovistatexas.gov/249/1980/Watch-Meetings>

**CITY COUNCIL CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, MAY 15, 2025
1:00 PM
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX**

CALL TO ORDER, CALL OF ROLL: Mayor Sullivan called the meeting to order at 1:00 PM.

PRESENT: Mayor Kevin Sullivan, Mayor Pro Tem Rob Durbin, Place 1 - Councilor Shane Saum, Place 2 - Councilor Adam Benefield, Place 4 - Councilor Norma Owen, Place 5 - Councilor Paul Roberts, and Place 6 - Councilor Paul Prince.

STAFF PRESENT: City Attorney Brad Bullock, IT Manager Stan Heston, Interim City Manager Taylor Whichard, Financial Manager Nichole Navarro, Human Resources Manager Tiffany Sparks, Procurement Manager Eric De La Cruz, and Interim City Secretary Susie Quinn

EXECUTIVE SESSION

Convene into a closed Executive Session at 1:01 PM pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 – possible contract with Public Works Director, and 551.071 – legal advice related thereto.
- C. § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Discussion of roles and duties of executive staff.

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

Reconvened from Executive Session into Open Session at 3:01 PM to act as deemed appropriate in City Council's discretion regarding:

00:01 – 00:01

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)

No Action Taken

00:01 – 00:02

- B. Consultation with Legal Counsel concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee pursuant to Texas Government Code Section 551.074 – possible contract with Public Works Director, and 551.071 – legal advice related thereto.

No Action Taken

00:02 - 00:02

- C. § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Discussion of roles and duties of executive staff.

Motion: *Motion by Mayor Pro Tem Durbin to ratify and approve the actions taken by the Human Resources Director and Employment Counsel this past Tuesday in regards to this. The motion was seconded by Councilor Prince. The motion passed 6-1, with Councilor Benefield dissenting.*

06:19 - 06:20

Council convened into Executive Session to discuss Item C again at 10:20 PM

- C § 551.071(2): Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding: Discussion of roles and duties of executive staff.

Council reconvened into Regular Session 10:30 PM

Motion: *Motion by Councilor Prince, seconded by Councilor Roberts, made a motion to accept the employee separation agreement as amended and authorize the Mayor to sign, condition on receipt of the executed copy from the employee by 5 pm on Monday, May 19, 2025. The motion passed unanimously (7-0).*

00:03 – 00:04

INVOCATION: Councilor Roberts led the Invocation.

00:02 – 00:03

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG: Mayor Sullivan led the Pledge of Allegiance and the Pledge to the Texas Flag.

00:04 – 00:10

PROCLAMATIONS

1. Proclaiming May 17-23, 2025 as "National Safe Boating Week"

Mayor Sullivan read a proclamation declaring May 17-23, 2025 as National Safe Boating Week in Lago Vista. The proclamation highlighted statistics on boating accidents and fatalities, and urged all boaters to practice safe boating habits and wear life jackets at all times while boating.

2. Proclaiming May 18-24, 2025 as "National Public Works Week"

Mayor Sullivan read a proclamation declaring May 18-24, 2025 as National Public Works Week in Lago Vista. The proclamation recognized the contributions of public works professionals in maintaining infrastructure and facilities vital to public health and quality of life. Interim City Manager Taylor Whichard, representing the public works department, came forward to accept the proclamation and a photo with the Mayor was taken.

00:10 – 00:29

CITIZEN COMMENTS

Andy Block spoke in opposition to a potential variance request for 20903 Twisting Trail. He expressed concerns about water runoff issues from a large retaining wall that was constructed, impacts to neighboring properties, and the precedent it would set if approved. He urged the council to deny the variance.

Verna Block, Andy's wife, reiterated concerns about ongoing construction and water runoff issues at 20903 Twisting Trail despite a stop work order being issued. She emphasized the need for the city to enforce its ordinances.

Betty Houghton, a neighbor to 20903 Twisting Trail, expressed frustration with the ongoing construction issues and lack of compliance with city directives. She provided context on another retaining wall in the area for comparison, and urged the council not to allow variances that negatively impact neighbors.

Council members asked clarifying questions about the situation. Staff explained that while a stop work order was in place for the retaining wall specifically, other construction on the property may still be allowed to continue. Council members expressed concern about the situation and indicated they would look into it further.

David vonOhlerking, discussed various issues that he sees happening with building permits, stop orders, and other areas of concern he is aware of in the City and wants Council to know about them.

00:30 – 00:35

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

Councilor Owen reported on several community items:

- The Lago Vista ISD Education Foundation awarded grants to 6 teachers for various classroom projects and equipment.
- The 6th grade Club Vikings squad won gold in a recent competition.
- The Lions Club is hosting a "Cactus and Cask" Texas tasting event on June 7th, with tickets available and a golf cart raffle drawing.

Mayor Sullivan announced several upcoming events:

- The city pool opens on Saturday, May 24th at 1 PM.
- Lago Liberty Days celebration will be held on July 4th, including a 5K run, parade, and fireworks.
- City facilities will be closed on Monday, May 26th for Memorial Day.
- Green center hours for June were provided.

STAFF AND COUNCIL LIAISON REPORTS

00:35 – 00:45

3. Routine Reports from City Staff

Interim City Manager Whichard shared about the paving schedule on the city's website. He mentioned the possibility of paving Sunset Park's parking lot if it's permissible to use CO funds for that.

He also gave kudos to CIP project manager Victor Manzano and Public Works employees for all their hard work for the recent rain and flash flooding event. The City's pool is scheduled to open on May 24, 2025.

Financial Manager Navarro gave a financial report and explained that they are very close to being caught up for this fiscal year. She explained the reconciliation of the various bank statements, along with explaining the different account balances, and the savings (investment) account balances, too.

Human Resources Director Sparks announced the two city employees who will be retiring at the end of the month: Steven Castro from Utility Maintenance and Dave Street from IT.

00:46 – 01:19

4. Routine Reports from City Council Board/Commission/Committee Liaisons,

- Charter Review Committee, Councilor Prince & Councilor Saum

- Building and Standards Commission, Councilor Benefield
- Keep Lago Vista Beautiful, Councilor Benefield Lago Vista
- Starry Skies, Councilor Benefield
- Airport Advisory Board, Councilor Saum
- Planning & Zoning Commission, Mayor Pro Tem Durbin
- Economic Development Advisory Committee, Councilor Owen
- Lago Vista Independent School District, Councilor Owen Lago
- Vista Property Owner's Association, Councilor Owen
- Turnback Canyon Trail Conservancy, Councilor Owen
- Golf Course Advisory Committee, Councilor Prince • Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Board of Adjustment, Councilor Roberts
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas Water Development Board, and other entities as appropriate, Councilor Saum
- Youth Advisory Committee, Mayor • Sullivan
- Capital Area Council of Governments, Mayor Sullivan • Texas Department of Transportation, Mayor Sullivan • Cap Metro, Mayor Sullivan

WORK SESSION

04:31 – 05:13

5. Discussion Regarding Council's Wish-List and Priority Items for the 2025-2026 Budget.

Council members discussed potential budget priorities, including:

- Safety and security upgrades for City Hall
- Adding Type 1 effluent capability to wastewater treatment plant expansion
- Stormwater runoff improvements
- Operational improvements and efficiency tools
- Parks improvements and expanded funding
- Creative use of hotel occupancy tax funds for tourism

There was discussion about balancing new initiatives with infrastructure needs and staying within revenue constraints. Interim City Manager Whichard said staff would prepare initial budget drafts based on these priorities for review in June.

05:13 – 05:39

6. Discussion regarding the Finance Sub-Committee update.

Councilors Owen and Prince reported on recent finance subcommittee discussions, including:

- Efforts to address financial reporting and staffing challenges
- Potential use of outside accounting assistance or Texas State University ILA
- Need for standard operating procedures for financial processes
- Analysis of FY2024 budget vs actuals, showing some areas of significant under-spending
- Exploration of AI tools to assist with grant writing and administration

05:39 – 05:49

7. Discussion Regarding Cap Metro Cost Figures and Potential Request to Audit.

Mayor Sullivan presented cost figures provided by Cap Metro for pickup service in Lago Vista, noting the high cost per ride (approximately \$50). Council members expressed concerns about inefficiencies and limitations of the current service.

There was discussion about potentially requesting an audit of Cap Metro's costs and exploring options for more efficient vehicle types. The council reached consensus to investigate the cost of conducting an audit and bring that information back for action at a future meeting.

CONSENT AGENDA

Both items were voted on separately.

02:19 – 02:20

8. Approval of May 1, 2025, Regular City Council Meeting Minutes

Motion: Councilor Prince, seconded by Councilor Owen, to approve the May 1, 2025, Regular City Council Meeting Minutes with the modifications as stated by the Mayor. The vote passed unanimously (6-0). Councilor Saum had stepped away during the vote.

02:20 – 02:20

9. Approval of **Resolution No. 25-2124** Approving a Revocable License Agreement Between the City of Lago Vista and Robert W. Ruggiero and Sally Ruggiero

Motion: Councilor Prince, seconded by Councilor Roberts, to approve consent agenda item number 9. The vote passed unanimously (6-0). Councilor Saum had stepped away during the vote.

ACTION ITEMS

01:19 -- 01:40

10. Discussion, Consideration, and Possible Action Regarding a Request Submitted by Robert Chandler Sampson for a Waiver of The Permit Extension Fee for His Ongoing

Residential Construction Project Located at 1307 Robin Trl, Lago Vista, Texas, Permit No. 10928.

Motion: *Councilor Owen, seconded by Councilor Saum, made a motion to waive the fee as submitted by Robert Chandler Sampson for a waiver of the permit extension fee for Mr. Chandler's ongoing residential construction project located at 1307 Robin Trail, Lago Texas, permit number 10928. The motion passed 6 to 1 with Mayor Pro Tem Durbin dissenting.*

01:41 – 01:42

11. Discussion, Consideration, and Possible Action to Approve Mural Installation at Rusty Allen Airport.

Motion: *Councilor Benefield seconded by Mayor Pro Tem Durbin, made a motion to table indefinitely the mural installation at the Rusty Allen Airport. The motion passed unanimously (7-0).*

NOTE: The Mayor took a recess at 9:00 PM due to technical difficulties the city was experiencing. The Council reconvened at 9:21 PM.

05:49 – 6:18 Due to technical difficulties (video available but no audio), this item has more detail, since the information is not available on the video.

12. Discussion, Consideration, And Possible Action Regarding **Ordinance No. 2025-05-15-01** Amending Sections 1.109, 3.126, 5.116, 6.208, 6.214, And 13.604 Of the Code of Ordinances to Remove Daily Citation Authority and Implement Alternative Enforcement Tools Including Abatement and Permit-Level Remedies for Development Violations, Providing for a Severability Clause and an Effective Date.

Mayor Sullivan noted that due to technical difficulties, only an audio recording was available. The Mayor asked council members to raise their hands to be called on, as he would need to call out their names for the recording.

Councilor Roberts proposed rescheduling the meeting to Tuesday at noon, estimating it could be completed by 5 PM at the latest. Mayor Sullivan responded that he would not be available for much of the following week.

Councilor Benefield suggested tabling any items that could wait until the next meeting in June and proceeding with anything that had to be addressed that night. Councilor Rob Durbin agreed with this approach.

Councilor Saum indicated he was agreeable to either meeting next Tuesday or addressing some items that night and tabling the rest until June.

Mayor Sullivan expressed agreement with looking at what needed to be done that night, completing those items, and tabling the rest to the first meeting in June.

Councilor Roberts proposed examining which items could be handled with minimal discussion, such as those on the message board. He suggested starting with agenda

item 12 regarding removing daily citation authority, noting that the city attorney wanted to review some aspects. Councilor Saum, as the sponsor, agreed to table it.

Motion: *Mayor Pro Tem Durbin, seconded by Councilor Saum, to table Item 12 until the June 5, 2025, City Council meeting. The motion passed unanimously (7-0)*

01:42: - 01:51

13. Discussion, Consideration, and Possible Action Regarding **Resolution No. 25-2125** Granting Consent for the Establishment of a Private Family Cemetery At 3421 Lohmans Ford Road Pursuant to Texas Health and Safety Code Section 711.008(C) (2); and Providing an Effective Date.

Motion *Councilor Roberts, seconded by Councilor Saum, to adopt Resolution No. 25-2125 with a floor amendment to add a condition (fourth bullet point) that the cemetery shall be located no closer than 75 feet from the edge of the right-of-way of all adjacent roads. The motion passed unanimously (7-0)*

02:20 - 03:57

14. Discussion, Consideration and Possible Action Regarding **Resolution No. 25-2127** Establishing the Development and Building Advocacy and Support Subcommittee to Assist Residents, Builders, and Developers in Resolving Development-Related Issues through Early Intervention, Council Guidance, and Collaboration with City Staff; and Providing an Effective Date.

Motion: *Councilor Benefield, seconded by Councilor Owen, made a motion to establish the Development and Building Advocacy and Support Subcommittee naming Norma Owen, Paul Roberts, and himself and stated the subcommittee would meet next week to determine the scope and update the Resolution to be brought back to the next meeting. The motion passed unanimously (7-0)*

NOTE: Council recessed at 6:57 pm for ten minutes, reconvening at 7:08 pm following agenda item 14. Upon reconvening, Council moved to agenda item 23.

05:49 – 6:18 Due to technical difficulties (video available but no audio), this item has more detail, since the information is not available on the video.

15. Discussion, Consideration, and Possible Action Regarding Adoption of **Resolution No. 25-2128** Establishing the Citizen Bond Oversight and Transparency Committee (CBOTC) and Setting Forth its Purpose, Scope and Initial Structure.

Mayor Sullivan introduced this item regarding establishing the Citizen Bond Oversight and Transparency Committee (CBOTC). He indicated he was fine with it coming back on the June 5th agenda. Councilor Saum, as the sponsor, agreed to table it.

Motion: *Councilor Saum moved to table agenda item 15 to the first meeting in June. Councilor Owen seconded the motion. The motion passed unanimously.*

05:49 – 6:18 Due to technical difficulties (video available but no audio), this item has more detail, since the information is not available on the video.

16. Discussion, Consideration and Possible Action Regarding **Resolution No. 25-2129** Adopting the “Sunshine Policy” to Enhance Government Transparency, Streamline Public Records Access, Reduce Legal Costs, and Support Citizen Engagement, Providing for Implementation and an Effective Date.

Councilor Saum, as the sponsor, noted that he had made the updates requested at the previous meeting and suggested approving it that night since people had the opportunity to read it on the discussion board.

Councilor Roberts supported approving it with one change in section 4, paragraph c, second bullet point to read "only super public, nonsensitive materials will be displayed."

Motion: *Councilor Roberts, seconded by Councilor Saum, moved to approve the sunshine policy, Resolution No. 25-2129 as most recently updated by Councilor Saum on the message board with the change in section 4, paragraph c, second bullet point to read "only super public, nonsensitive materials will be displayed." Councilor Saum seconded the motion. The motion passed unanimously (7-0).*

01:51 – 01:53

17. Discussion, Consideration, and Possible Action Regarding **Resolution No. 25-2130** Accepting a Resignation and Appointing an Individual to Fill the Resulting Vacancy for an Unexpired Term as a Member of the Economic Development Advisory Committee.

Motion: *Councilor Owen, seconded by Councilor Saum, made a motion to approve Resolution No. 25-2130 accepting Mr. Wyatt's resignation and appointing Jonathon Awtry to fill the resulting vacancy for the unexpired term as a member of the Economic Development Advisory Committee. The motion passed unanimously (7-0)*

01:53 – 02:00

18. Discussion, Consideration and Possible Action on Approving the Installation of a Third Stop Sign at the Intersection of Boggy Ford Rd, Highland Lakes Drive, and Emerald Drive.

Motion: *Councilor Benefield, seconded by Mayor Pro Tem Durbin, made a motion to approve the installation of a third stop sign at the intersection of Boggy Ford Road, Highland Lakes Drive, and Emerald Drive and direct staff to take careful consideration at the location of the stop sign currently located in the middle of the intersection heading northbound on High. The motion passed unanimously (7-0)*

02:00 – 02:08

19. Discussion, Consideration, And Possible Action on Ensuring the City Pool Opens on Time this Season.

No action was taken.

05:49 – 6:18 Due to technical difficulties (video available but no audio), this item has more detail, since the information is not available on the video

20. Discussion, Consideration, and Possible Action Regarding Council and Subcommittee Involvement in the Effluent Irrigation System Design and Bid Process. Provide direction to City staff on the role of the Effluent Irrigation Subcommittee in the ongoing design and bidding phases of the effluent irrigation system project.

Councilor Benefield, as the sponsor, indicated he was happy to table the item but noted it was somewhat time sensitive. He explained that the subcommittee was formed to ensure the effluent irrigation system ultimately receives final approval from the council. The design had been sent to the engineer, and discussions with Mr. Richard suggested engagement would be significantly restricted going forward.

Mr. Richard had proposed utilizing the subcommittee to review the plan at 40% and 95% design phases. Councilor Benefield expressed concern about potentially losing council support if the project went in an undesired direction. He asked whether the council wanted the subcommittee to step back as would normally happen, or stay actively involved to ensure continued support.

Councilor Saum advocated for the subcommittee to stay involved, noting they hadn't even gotten past issues with the previous RFQ/RFP. He suggested the subcommittee should see the project through to public posting and potentially beyond, given its public importance.

Councilor Roberts appreciated staff concerns but felt the subcommittee was created for a broad purpose. He deferred to the consensus of the subcommittee on how to proceed.

Mayor Sullivan indicated he was fine with the subcommittee reviewing at 40% and 95% completion as Interim City Manager Whichard suggested, believing that should be adequate to ensure the appropriate design goes forward to bidding.

Councilor Owen noted that with the CBOTC tabled, the subcommittee could serve a similar oversight and communication function.

After further discussion clarifying the subcommittee's role and staff concerns, Councilor Prince proposed that staff share all documents received from the engineering firm with the subcommittee, the subcommittee not interact directly with the firm, and the subcommittee be included in discussions of any significant design decisions through staff.

Motion: Councilor Prince, seconded by Mayor Pro Tem Durbin, moved that the subcommittee on the effluent irrigation system design continues to operate, that staff will share all documents received from the engineering firm with the subcommittee, the subcommittee will not interact directly with the engineering firm but only with staff, and that if there are any significant design decisions that the engineering firm wants to discuss with staff, the subcommittee will be included in that discussion through staff. The motion passed unanimously (7-0).

05:49 – 6:18 Due to technical difficulties (video available but no audio), this item has more detail, since the information is not available on the video

21. Discussion, Consideration, and Possible Action Regarding an Amendment to the City of Lago Vista Code of Ordinances, Chapter 14 (Zoning), to Clarify Eligibility to Place Items on an Agenda and Application Completeness Requirements, and to Establish a 15-Day Notice Period for Required Publication, Posting, and Website Notices Related to Rezoning Requests, Site Plans, Permits, and Design Reviews

Councilor Roberts, as the liaison, stated that the packet reflected the recommendation from the Planning and Zoning Commission. He noted that the city attorney had provided a calendar addressing concerns about the shot clock expressed at the prior meeting. Roberts advocated for 15 days instead of the 5 days recommended by P&Z, stating he had heard from 5 out of 7 P&Z members that they would now support 15 days.

There was extensive discussion about the application review process, notification timelines, and balancing the needs of applicants, staff, and the public. City Attorney Brad Bullock reminded the council to differentiate between zoning and other matters like plats and development plans, which have specific state law requirements.

Motion: *Councilor Roberts moved to approve agenda item 21 based upon the referral from P&Z with one change: paragraph c be changed to 15 days instead of 5 days. He also moved to publish on the city website the calendar that the city attorney emailed to the council, and to send a referral to P&Z to add a cross-reference to this ordinance in the appropriate section of Chapter 14. Councilor Benefield seconded the motion. The motion passed unanimously (7-0).*

06:18 - 06:19

22. Discussion, Consideration and Possible Action on Amendments to The Local Preference Program (LLP) Ordinance and Initial Report from Staff on How the Program Has Performed Since Implementation.

Councilor Saum moved to table agenda item 22 to the first meeting in June. Councilor Roberts seconded the motion. The motion passed unanimously (7-0).

03:57: - 04:29

23. Discussion, Consideration, and Possible Action on a Referral of Draft Drainage Ordinance Amendments to Relevant Commissions for Review and Recommendation.

Motion: *Councilor Roberts, seconded by Councilor Saum, made a motion to refer the draft drainage code modernization ordinance to the Planning and Zoning Commission and the Building Standards Commission for review, refinement, and formal recommendation back to Council, including all proposed amendments to chapters 3, 3.510 and chapter 14 of the City Code of Ordinance. The motion passed unanimously (7-0)*

Note: All members of the Planning and Zoning Commission and the Building Standards Commission are encouraged to watch this portion of the video.

ADJOURNMENT

06:21 – 06:21

Mayor Sullivan adjourned the meeting at 10:30 pm.

APPROVED:

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary,

Date approved by City Council: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT: Action regarding the CAPCOG 2026 request for \$1,122.00 from the FY2026 Lago Vista budget for the CAPCOG Clean Air Coalition.

BACKGROUND: See the attached documents for the explanation and background.

FINANCIAL IMPACT: Funding for the \$1,122.00 should come the Lago Vista FY 2026 budget.

RECOMMENDATION: Approval of the CAPCOG 2026 request for \$1,122.00.

ATTACHMENTS:
[FY 2026 AQ Contribution Letters City of Lago Vista](#)
[Memo_CAPCOG FY 2026 Air Quality Funding Request](#)
[2019-2026 Regional Air Quality Plan Scope of Work Revisions Revised](#)



Capital Area Council of Governments

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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

June 11, 2025

Honorable City of Lago Vista Mayor Kevin Sullivan
5803 Thunderbird Dr.
City of Lago Vista TX 78645

RE: Fiscal Year (FY) 2026 Air Quality Program Funding Request

Dear Mayor Sullivan:

The Central Texas Clean Air Coalition (CAC), coordinated by CAPCOG since 2002, helps our region comply with National Ambient Air Quality Standards (NAAQS) set by the U.S. Environmental Protection Agency to protect public health and the environment. City of Lago Vista's participation and support for CAPCOG's Air Quality Program have been instrumental in maintaining regional compliance with these standards.

For FY 2026, we are requesting \$1,122.00 from City of Lago Vista to support the program. This amount is based on the most recent Census estimates and the rates adopted by the CAC earlier this year.

Continued local funding is essential to carrying out the Scope of Work under the 2019–2026 Regional Air Quality Plan. As of 2024, our region faces increased risk of nonattainment for both the ozone (O₃) and annual fine particulate matter (PM_{2.5}) standards, which the EPA recently tightened. While we remain in attainment, a future designation could impact economic growth and public health. City of Lago Vista's support will help CAPCOG continue monitoring air quality, updating plans, assisting partners, reducing emissions, and conducting outreach to support compliance.

While we understand budget decisions are still pending, we would appreciate a response by **Friday, July 25, 2025**, indicating whether the city anticipates including this funding in its FY 2026 budget. Thank you for your continued support of the CAC and your consideration of this request. If you have any questions, please contact CAPCOG's Air Quality Program Manager, **Anton Cox**, at (512) 916-6036 or acox@capcog.org.

Sincerely,

Chris Miller
Executive Director

Enclosures:

1. CAPCOG FY 2026 Local Air Quality Program Funding Request Memo
2. 2019-2026 Scope of Work for CAPCOG's Air Quality Program Approved by CAC in February 2019



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BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM

6/11/2025

TO: Central Texas Clean Air Coalition (CAC) Members

FROM: Anton Cox, CAPCOG Air Quality Program Manager

RE: CAPCOG FY 2026 Local Air Quality Program Funding Request

CAPCOG is requesting funding support from local governments participating in the Clean Air Coalition for fiscal year 2026 beginning in October 2025. This request will support activities in the Regional Air Quality Program Scope of Work that cannot be supported with other funding sources available to CAPCOG, namely outreach, planning, and technical assistance activities. Specific tasks, deliverables and metrics are detailed in the 2025 Air Quality Work Plan and were approved by the Clean Air Coalition in November 2024. CAPCOG expects to present a 2026 Work Plan to the CAC in November 2025.

The following table summarizes CAPCOG's air quality program funding needs for FY 2026.

Table 1. CAPCOG Air Quality Program Funding Needs for FY 2026

Activity	FY 2026 Should Budget	State & Federal Funding Applied	Local Funding Applied	Local Funding Needed
Outreach and Tech.	\$250,000.00	\$0.00	\$250,000.00	100%
Planning Activities	\$104,500.00	\$20,000.00	\$84,500.00	81%
Monitoring	\$500,000.00	\$500,000.00	\$0.00	0%
Emission Studies	\$175,000.00	\$175,000.00	\$0.00	0%
Data Analysis	\$120,000.00	\$120,000.00	\$0.00	0%
TOTAL AQ BUDGET	\$1,149,500.00	\$815,000.00	\$334,500.00	29%

As the table above shows, CAPCOG is only requesting funding for the activities approved by the CAC that are ineligible for state or federal funding. State funding in FY 2026 is from two grants, one focused on O₃ planning and the other on PM_{2.5} planning. Federal funding is from two Environmental Protection Agency (EPA) grants that the program received from the Enhanced Air Quality Monitoring for Communities Grant opportunity, both projects focus on PM_{2.5} monitoring in the region in 2024-2025 and a Climate Pollution Reduction Implementation Grant (CPRG) from the city of Austin via the EPA which focuses on the deployment of air quality sensors.

The following table shows the funding request for each government using the Census Bureau's July 1, 2024,

population estimates, which are the latest available. CAPCOG uses the same population estimates for its Air Quality Program funding requests as it does for general membership dues. The table reflects the formula that was agreed-upon by the CAC for allocating the funding request based on each jurisdiction's population and type of local government (cities pay double the rate of counties). Differences in amounts requested from FY 2025 reflect changes in population.

Table 2. CAPCOG FY 2026 Air Quality Program Funding Request

Entity	FY 2025 Funding Request	Population Estimate 7/1/2024	FY 2026 Funding Request	Change from FY 2024 Request
Bastrop County	\$6,093	114,931	\$6,321.00	\$228.00
Caldwell County	\$2,742	52,430	\$2,884.00	\$142.00
Hays County	\$15,427	292,029	\$16,062.00	\$635.00
Travis County	\$73,423	1,363,767	\$75,007.00	\$1,584.00
Williamson County	\$38,346	727,480	\$40,011.00	\$1,665.00
City of Austin	\$107,787.00	993,588	\$109,295.00	\$1,508.00
City of Bastrop	\$1,285.00	12,720	\$1,399.00	\$114.00
City of Bee Cave	\$948.00	8,510	\$936.00	-\$12.00
City of Buda	\$1,763.00	16,090	\$1,770.00	\$7.00
City of Cedar Park	\$8,527.00	78,380	\$8,622.00	\$95.00
City of Elgin	\$1,353.00	12,438	\$1,368.00	\$15.00
City of Georgetown	\$10,594.00	101,344	\$11,148.00	\$554.00
City of Hutto	\$4,264.00	42,661	\$4,693.00	\$429.00
City of Kyle	\$6,880.00	65,833	\$7,242.00	\$362.00
City of Lago Vista	\$1,101.00	10,201	\$1,122.00	\$21.00
City of Lakeway	\$2,111.00	19,056	\$2,096.00	-\$15.00
City of Leander	\$8,807.00	87,511	\$9,626.00	\$819.00
City of Lockhart	\$1,685.00	17,166	\$1,888.00	\$203.00
City of Luling	\$633.00	5,752	\$633.00	\$0.00
City of Pflugerville	\$7,183.00	66,819	\$7,350.00	\$167.00
City of Round Rock	\$14,345.00	135,359	\$14,889.00	\$544.00
City of San Marcos	\$7,873.00	74,316	\$8,175.00	\$302.00
City of Sunset Valley	\$69.00	617	\$68.00	-\$1.00
City of Taylor	\$1,907.00	17,872	\$1,966.00	\$59.00
Total	\$325,146.00	N/A	\$334,571.00	\$9,425.00

CAPCOG will issue invoices to all CAC members for the amounts specified above on or shortly after October 1, 2025¹ unless we are provided with notification from a member to change the amount requested or to not submit the invoice.

Do not hesitate to reach out to me if you have any questions or concerns regarding CAPCOG's Air Quality Program Funding Request for FY2026.

¹ Except for City of Austin and Travis County, with which CAPCOG has multi-year agreements in place with different billing time frames.

Capital Area Council of Governments Scope of Work for Support of the 2019- 2026 Austin-Round Rock-Georgetown MSA Regional Air Quality Plan

Originally Approved by the Clean Air Coalition on February 13, 2019

Extended by the Clean Air Coalition on November 9, 2021

Revised by the Clean Air Coalition on February 14, 2024

This scope of work (SoW) identifies the tasks that the Capital Area Council of Governments (CAPCOG) intends to carry out in support of the 2019-2026 Austin-Round Rock-Georgetown Metropolitan Statistical Area (MSA) Regional Air Quality Plan adopted by the Central Texas Clean Air Coalition (CAC). Tasks in this SoW relate to specific roles that the Plan anticipates for CAPCOG throughout the term of the Plan and are described in a general manner in order to broadly describe these activities in any given year. In the fall of each year, after the level of resources that will be available for the fiscal year is confirmed, CAPCOG will prepare a more specific work plan for the following year for approval by the CAC. CAPCOG will provide annual reports to the CAC on the use of local air quality funding by CAPCOG's Air Quality Program.

Task 1: Clean Air Coalition Support

This task involves ongoing CAPCOG support for the CAC and the CAC Advisory Committee (CACAC). The CAC is the region's umbrella organization for regional air quality planning among cities, counties, and other regional stakeholders, including private industry. The CACAC provides technical and policy advice to the CAC on air quality issues. This support includes:

- Preparation of agendas and supporting materials for CAC and CACAC meetings;
- Presenting information at CAC and CACAC meetings;
- Researching issues at the request of the CAC and CACAC;
- Providing periodic updates on air quality issues to the CAC and CACAC through newsletters and other communications;
- Logistical support for CAC and CACAC meetings, including recording meeting minutes and maintaining committee records;
- Coordinating appointments to the CAC and CACAC;
- Briefing new members of the CAC and CACAC on air quality issues;
- Participation in air quality-related work groups on behalf of the region; and
- Preparation and submission of comment letters, resolutions, and other documents related to policy advocacy undertaken by the CAC and CACAC.

Expected outputs include:

- Monthly air quality newsletters;
- At least four regularly scheduled CAC meetings each year;
- At least four regularly scheduled CACAC meetings each year; and
- An annual work plan to be approved by the CAC by December 31 of the prior year.

Task 2: Technical Assistance to CAC Members to Implement Emission Reduction Measures

Under this task, CAPCOG will provide technical assistance to CAC members to implement emission reductions identified in the region's 2019-2026 air quality plan. This includes identifying best practices for implementing emission reduction commitments that an organization has made, analyzing operational data provided by an organization, identifying opportunities to maximize emission reductions, and assisting organizations with securing the funding and training needed to implement emission reduction measures.

Expected outputs include, at a minimum:

- Periodic workshops;
- Grant application assistance;
- Coordination of regional grant applications; and
- Templates and other resources for implementation of emission reduction measures.

Task 3: Outreach and Education Activities

This task involves air quality outreach and education activities carried out by CAPCOG. This includes:

- Maintaining the Air Central Texas Program including;
 - Social Media Accounts
 - Website
 - Advertising
 - Events and Campaigns
- Creation of messaging for Clean Air Coalition members to share with the public;
- Outreach to Communities of higher impact or at greater risk:
 - Healthcare Specialist
 - Media and Meteorologists
 - Business and Industry
 - Commuters
 - Children and young adults
 - Environmental Justice Communities
 - Spanish Speaking population
- Institutional outreach and recruitment of new Clean Air Coalition supporting members;
- In-kind support for the Commute Solutions program, if necessary.

CAPCOG staff will provide periodic reports on its outreach activities as requested by the CAC.

Task 4: Annual Air Quality Report

This task involves preparing CAPCOG's annual air quality report, which summarizes the region's air quality data from the previous year, the status of the implementation of the emission reductions within

the region, and other information relevant to tracking the region's progress in implementing the regional air quality plan. This report provides an important tool for documenting the region's efforts to EPA and TCEQ, and to provide accountability among CAC members on implementation of commitments.

Expected outputs include:

- Annual air quality reports covering calendar years 2019, 2020, 2021, 2022, 2023, 2024, 2025, and 2026

Task 5: Monitoring

Under this task, CAPCOG will conduct air pollution and meteorological monitoring at continuous air monitoring stations (CAMS) throughout the region in accordance with the 2019-2026 monitoring plan approved by the CAC in May 2018. Activities funded under this task will include:

- Relocation of any monitoring equipment if recommended in the 2019-2026 monitoring plan;
- Preventative maintenance activities;
- Regular equipment calibrations;
- Equipment rental or replacement;
- Incidental equipment repair costs and supply costs;
- Provision of utilities to each station;
- Licenses to use TCEQ's LEADS data system to host and display monitoring data;
- Reporting data to TCEQ's LEADS system and EPA's AirNow system;
- Data validation activities;
- Monthly reports on from CAPCOG's contractor; and
- An annual report summarizing monitoring activities and comparison of performance to data quality objectives in CAPCOG's Quality Assurance Project Plan (QAPP).

CAPCOG's primary data objectives are based on EPA's most recent ambient air monitoring guidance for ozone monitoring:

- Collection and validation of at least 75% of all possible hourly pollutant, wind speed, wind direction, temperature, and humidity measurements each month from March 1 through November 15 each year;
- Ozone measurements to remain within 7% of reference measurements during monthly calibrations. These performance goals are consistent with EPA's most recent ambient air monitoring guidance for ozone monitoring.

Expected outputs include:

- Hourly, quality-assured pollutant, wind speed, wind direction, temperature, and relative humidity data reported to TCEQ's LEADS system and EPA's AirNow system from all CAPCOG monitoring stations; and
- An annual monitoring report documenting monitoring activities completed that year and a comparison of performance to data quality objectives.

Task 6: Monitoring Data Analysis

Under this task, CAPCOG will perform an annual data analysis of the air pollution and meteorological data collected in the previous year and compare these data to data collected in prior years. This will help identify the conditions that were most likely to lead to high air pollution levels, whether these

conditions were more or less likely to occur in the previous year compared to prior years, and whether there were any specific emissions-related or meteorological-related explanations for any deviations from what has been typical for the prior years. This analysis will help provide a better understanding of the extent to which local emission reduction efforts impacted ambient air pollution concentrations.

Expected outputs include:

- An annual air monitoring data analysis report; and
- Accompanying spreadsheets.

Task 7: Emissions, Control Strategy, and Air Quality Modeling Analysis

Under this task, CAPCOG will analyze emissions and air quality modeling data relevant to ongoing regional air quality planning. This includes:

- Reviewing point source emissions inventory data reported by the facilities;
- Review mobile source emissions inventory data prepared by EPA, TCEQ, or others;
- Review studies and technical reports related to emissions and control strategies;
- Review of air quality modeling analyses conducted by EPA, TCEQ, and others;
- Refinement of emissions estimates for key sources, where appropriate;
- Analyzing trends in changes in emissions over time;
- Assessing the level of control current emission reduction measures are achieving;
- Estimating the ambient air quality impact of various emissions control and growth scenarios; and
- Estimation of costs and benefits of implementing various control strategies.

Expected outputs include:

- Memos summarizing emissions, control strategy, and modeling analyses completed;
- Reports documenting any emissions inventory refinement, control strategy assessments, or impact assessments completed.

Task 8: Other Studies and Planning Activities

This task involves other research and planning activities as directed by the CAC. Examples projects in this category include:

- Preparation of an annual work plan for approval by the CAC that provides further definition to activities that will be carried out by CAPCOG in the following year;
- Analysis of the health, environmental, and social impacts of regional air pollution;
- Analysis of the potential economic and regulatory impacts of non-compliance with air quality standards; and
- Development of air quality plans.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT: Action regarding **Resolution No. 25-2134**; a resolution by the City Council of the City of Lago Vista, Texas appointing students to serve as members on the Youth Advisory Committee.

BACKGROUND: City Council annually appoints members to the Youth Advisory Committee (YAC). Attached are copies of all the YAC applications received. YAC and Lynn Metters, YAC sponsor recommends the following students to be appointed to the 2026 Youth Advisory Committee:

1. Anna Piedra
2. Alexis Oates
3. Aiden Neel
4. Bailey Burlew
5. Avery Thompson
6. Xavier Ledet
7. Fletcher Matheson
8. Kandice Richardson
9. Lana Abduljabbar

Resolution 24-2057 allows up to nine members to serve on the committee.

FINDINGS: Staff recommends City Council approve Resolution No. 25-2134, accepting YAC Council Liaison Mayor Sullivan's nominations of Anna Piedra, Alexis Oates, Aiden Neel, Bailey Burlew, Avery Thompson, Xavier Ledet, Fletcher Matheson, Kandice Richardson, and Lana Abduljabbar to serve on the Youth Advisory Commission with terms expiring in May of their senior years and appoint _____ as the adult member for a two-year term expiring May 31, 2026.

FINANCIAL IMPACT: Not Applicable

RECOMMENDATION: Staff recommends City Council approve Resolution No. 25-2134, accepting YAC Council Liaison Mayor Sullivan's nominations of Anna Piedra, Alexis Oates, Aiden Neel, Bailey Burlew, Avery Thompson, Xavier Ledet, Fletcher Matheson,

Kandice Richardson, and Lana Abduljabbar to serve on the Youth Advisory Commission with terms expiring in May of their senior years and appoint _____ as the adult member for a two-year term expiring May 31, 2026.

ATTACHMENTS:

Avery_Thompson.docx
Bailey_C_Burlew.docx
Fletcher_Matheson.docx
Gabriella_Urtabo.docx
Kandice_Richardson.docx
Lana_Abduljabbar.docx
Nieves_Maya.docx
Nova_Cortez.docx
Xavier_Ledet.docx
Aiden_Neel.docx
Alexis_Oates.docx
Anna_piedra_Diaz.docx
Resolution 24-2057.pdf

Boards, Commissions, and Committees Application - Submission #785

Date Submitted: 5/28/2025

Name*

Avery Thompson

Address*

[REDACTED]

City

Leander

Home phone

[REDACTED]

Cell phone

Business phone

Email Address*

[REDACTED]

Education*

Currently enrolled in Lago Vista High school as a sophomore.

Employment*

High School

Areas of Interest*

I am interested in being a member of the Youth Advisory Committee.

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I am a very involved in my high school's theater troupe, meaning I am no stranger to public speaking; this allows me to build confidence and learn self-expression. I am a student council member and a member of the National Honor Society. I strive to keep my grades high and put my academics first. Outside of school I serve as the vice president of Leo's Club, which allows me to constantly be constantly volunteering and serving in my community. I am highly committed and persistent.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf

Boards, Commissions, and Committees Application - Submission #765

Date Submitted: 5/19/2025

Name*

Bailey C. Burlew

Address*

[REDACTED]

City

Lago Vista

Home phone

[REDACTED]

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

High school Junior at Lago Vista High school pursuing a career in the Medical field as an Anesthesiologist.

Employment*

Freelance Babysitter for various clients, children aged from 3 years to 12 years, 4 years of experience

Areas of Interest*

School

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

As a member of various organizations with astound leadership roles in each, I have the confidence and ability to lead a group effectively. I am current Student Council Junior Vice President, National Honor Society Historian, and Youth Advisory Secretary. I can assure the efficiency and integrity of the organization and pursue the future with everyone in mind. I firmly believe that I represent my community to the upmost degree.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

Boards, Commissions, and Committees Application - Submission #784

Date Submitted: 5/28/2025

Name*

Fletcher Matheson

Address*

[REDACTED]

City

Lago Vista

Home phone

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

Currently a Sophomore, or 10th grader at Lago Vista High School.

Employment*

Works part time at Lowe's Market in Lago Vista. A cashier, checks people out, bag groceries, and greets them.

Areas of Interest*

Interested in serving the community, and being able to make sure the youth's voices are accounted for. Hobbies include reading, swimming, and more.

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

In LEOS, a representative of the Lago Vista High School Student Council, and a member of the National Honors Society at Lago Vista High School. In all of these, he helps volunteer and serve the community, and that is good experience that can benefit him to become a helpful person. He aspires to serve as a member of the Youth Advisory Committee so he can expand his ability to help others, further serve the community and overall be helpful.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf

Boards, Commissions, and Committees Application - Submission #788

Date Submitted: 5/28/2025

Name*

Gabriella Untabo

Address*

[REDACTED]

City

[REDACTED]

Home phone

[REDACTED]

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

Lago Vista High School - Sophomore, upcoming Junior

Employment*

Baby sitting and dog sitting

Areas of Interest*

As secretary

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I believe I would be a strong secretary for YAC because I am organized and dependable and I take my responsibilities seriously. I am good at keeping track of details, taking clear notes, and making sure things are communicated the right way. I have always been the kind of person who likes helping a group stay focused and on task.

Position(s) desired - First Choice

-- Select One --

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

Boards, Commissions, and Committees Application - Submission #786

Date Submitted: 5/28/2025

Name*

Kandice Richardson

Address*

City

Lago Vista

Home phone

Cell phone

Business phone

Email Address*

Education*

I am currently a sophomore at Lago Vista High School.

Employment*

High school student

Areas of Interest*

I am interested in joining the Youth advisory committee.

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I would be a beneficial candidate for the youth advisory committee due to my strong sense of duty, and the ability to effectively voice high school students concerns to Lago Vista. I'm a selfless individual who regularly volunteers at my church, school, and elsewhere. I'm also a member of the student council board at LVHS, so I know how to voice my opinions and those of others, to strive for changes in the school, and community. In NHS, I dedicate many hours towards schoolwork to maintain high grades.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf

Boards, Commissions, and Committees Application - Submission #825

Date Submitted: 6/12/2025

Name*	Address*	City
<input type="text" value="Lana Abduljabbar"/>	<input type="text" value=""/>	<input type="text" value="Lago Vista"/>

Home phone	Cell phone	Business phone
<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>

Email Address*

Education*

Lago Vista high school Sophomore - upcoming Junior

Employment*

Babysitting and dog sitting

Areas of Interest*

Secretary

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I believe I would be a strong Secretary for YAC because (a) organized, dependent, and I take my responsibilities seriously. (b) good at keeping track of details, taking clear notes, and making sure things are communicated the right way. I've always been the kind of person who likes helping a group stay focused and on task.

Position(s) desired - First Choice

Position(s) desired - Second Choice

Position(s) desired - Third Choice

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

Boards, Commissions, and Committees Application - Submission #789

Date Submitted: 5/28/2025

Name*

Nieves Maya

Address*

[REDACTED]

City

Lago Vista

Home phone

[REDACTED]

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

Lago Vista High School

Employment*

Student

Areas of Interest*

I enjoy dancing on drill team, being an orchestra member and playing cello and being in theater and part of student council and National Honor Society (NHS)

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I would consider myself a very involved person in the Lago Vista community. I have participated in numerous kinds of volunteer work and community service. I believe it is so important for the sake of Lago Vista to be a consistent member and participate in as many organizations as I can. Along with participation, its so important to use your voice to speak out about what you believe in life. Being an active member in society is one thing, but I believe being a voice matters most and not just for yourself but for others, too.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Boards, Commissions, and Committees Application - Submission #787

Date Submitted: 5/28/2025

Name*

Nova Cortez

Address*

[REDACTED]

City

Lago Vista

Home phone

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

I'm currently a sophomore at Lago Vista High School.

Employment*

I am an Unemployed High School Student.

Areas of Interest*

I am interested in Literature, Music, Art, History, and Community involvement.

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

I am currently a second year member of the Lago Vista High School drill team, The Valkyries. I believe this role has heavily influenced my teamwork and leadership abilities and that is something that I highly value. I also do church drives and involve myself in other community service activities, I love being able to give back to our hardworking community.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

Boards, Commissions, and Committees Application - Submission #827

Date Submitted: 6/13/2025

Name*

Xavier Smith Ledet

Address*

[REDACTED]

City

Lago Vista

Home phone

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

Junior in High School

Employment*

baseball umpire (future employee)

Areas of Interest*

YAC

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Boards, Commissions, and Committees Application - Submission #826

Date Submitted: 6/12/2025

Name*

Aiden Neel

Address*

City

Lago Vista

Home phone

Cell phone

Business phone

Email Address*

Education*

Lago Vista High School - 9.3 GPA - 2:170 (Salutatorian)

Employment*

Lifeguard (Lifeguard 9 Hire) - Courtesy Guard (PVPOA)

Areas of Interest*

Law/Legal, Profession - Theater - Debate - Public Speaking - Leadership

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

- Returning Member of the YAC
- Experienced in public speaking and policy
- Highly Academic
- Student Council President
- Vice President of HS Theatre Department.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Boards, Commissions, and Committees Application - Submission #829

Date Submitted: 6/16/2025

Name*

Alexis Oates

Address*

[REDACTED]

City

Lago Vista

Home phone

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

High School

Employment*

N/A

Areas of Interest*

I think my previous experience on the Youth Advisory Committee as well as my past experiences on Student Council can contribute to my ability to serve in YAC again, I would also love to see YAC keep growing and improving our community.

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

Boards, Commissions, and Committees Application - Submission #819

Date Submitted: 6/10/2025

Name*

Anna piedra Diaz

Address*

[REDACTED]

City

Lago Vista

Home phone

[REDACTED]

Cell phone

[REDACTED]

Business phone

Email Address*

[REDACTED]

Education*

Currently enrolled in Lago Vista High School

Employment*

Don't have a job at the moment

Areas of Interest*

Board member

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

Member of the Youth Advisory Committee from 2024-2025. I have communication skills and passion for the YAC mission.

Position(s) desired - First Choice

Youth Advisory Committee **students currently classified as sophomores or juniors**

Position(s) desired - Second Choice

-- Select One --

Position(s) desired - Third Choice

-- Select One --

Other

Airport Advisory Board, Board of Adjustment, Building & Standards Commission, Economic Development Advisory Committee, Golf Course Advisory Committee, Library Advisory Board, Parks & Recreation Advisory Committee, Planning & Zoning Commission

CITY OF LAGO VISTA, TEXAS

RESOLUTION 24-2057

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS APPOINTING INDIVIDUALS TO TERMS AS MEMBERS ON THE YOUTH ADVISORY COMMITTEE

WHEREAS, the City Council has cause in pursuit of their legislative duties on behalf of the citizens of Lago Vista to receive formal input from citizens of various ages on a variety of issues, and

WHEREAS, the City Council approved resolution 18-1744 establishing a Youth Advisory Committee with members selected in accordance with requirements contained in an amendment to Chapter 9 of the Lago Vista Code of Ordinances, and

WHEREAS, the City Council approved Ordinance 22-03-03-04 on March 3, 2022, increasing the number of youth members from seven to nine and removing the requirement that the youth members be a resident of the City of Lago Vista, and

WHEREAS, it is important to appoint individuals who see this as a worthwhile opportunity to perform meaningful community service and obtain valuable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

THAT, the City Council of the City of Lago Vista, Texas, does hereby appoint Avery Korock, Anna Piedra Diaz, Makenna Fiscus, Bailey Burlew, Alexis Oates, Aiden Neel, and Luke Kenney as members with terms that expire in May, of their senior years and reappoints Jeff DiGiovanni as the adult member for a two-year term expiring May 31, 2026.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 18th day of April 2024.



Kevin Sullivan, Mayor

ATTEST:



Lucy Aldrich, City Secretary



On a motion by Councilor Marion, seconded by Councilor Prince, the above and foregoing instrument was passed and approved.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Action regarding **Resolution No. 25-2135** accepting a resignation and appointing an individual to fill the resulting vacancy for an unexpired term as a member of the Board of Adjustment.

BACKGROUND: This resolution is to fill a vacancy on the Board of Adjustment, due to the resignation of Gary B Zaleski on May 27, 2025.

FINDINGS: Jess Hall has applied to be on the Board of Adjustment.

FINANCIAL IMPACT: Not Applicable

RECOMMENDATION: Accept the resignation of Gary B.Zaleski and appoint Jess Hall to complete the unexpired term.

ATTACHMENTS:

[Resolution No. 25-2135_Accepting Resignation and Appointing Individual to the _____ Final.docx](#)

[\(2025-05-27\)-Letter of Resignaiton - G. Zaleski.pdf](#)

[Jess Hall - BOA applicant.docx](#)

RESOLUTION NO. 25-2135

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS ACCEPTING A RESIGNATION AND APPOINTING AN INDIVIDUAL TO FILL THE RESULTING VACANCY FOR AN UNEXPIRED TERM AS A MEMBER OF THE BOARD OF ADJUSTMENT.

WHEREAS, the Board of Adjustment has a vacancy due to a recent resignation; and

WHEREAS, the City Council approved an Ordinance establishing the Board of Adjustment on February 16, 1986, with members selected in accordance with requirements contained in an Chapter 9, Section 9.1902 of the Lago Vista Code of Ordinances; and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that have acquired relevant experience; and

WHEREAS, it is prudent to fill the vacancies on the Board to maximize opportunities for a quorum and conducting business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

THAT, the City Council of the City of Lago Vista, Texas, accepts the resignation of Mr. Gary B. Zaleski and does hereby appoint _____ as a member with a term that expires December 31, 2026.

PASSED AND APPROVED this 26th day of June 2025.

CITY OF LAGO VISTA, TEXAS

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved.

May 27, 2025

City of Lago Vista, Texas

To Whom It May Concern:

I am resigning my position on the Lago Vista Board of Adjustment effective May 27, 2025.

I have served the City in many capacities over the past 20+ years and feel it is time to fully retire.

Thank you to all of the City officials and staff I have worked with over many years.

Gary B Zaleski

A handwritten signature in black ink, appearing to read "Gary B Zaleski". The signature is stylized with large, flowing loops and a prominent "Z" for the last name.

Boards, Commissions, and Committees Application - Submission #804

Date Submitted: 6/4/2025

Name*	Address*	City
Jess Hall, Jr.	7605 Desert Needle Dr.	Lago Vista

Home phone	Cell phone	Business phone
	8173431194	

Email Address*

vote4jesshall@gmail.com

Education*

Masters of Urban Affairs for public administration and planning

Employment*

Retired after almost 40 years as a CEO and senior manager of nonprofit organizations including Easter Seals in Fort Worth and Washington DC, American Red Cross - Dallas Chapter, Texas Kidney Foundation, and others.

Areas of Interest*

Planning and Zoning, city administration, Board of Adjustments

Experiences, characteristics, or other factors that would contribute to your ability to serve on the Board, Commission, or Committee

As a CEO of large organizations with multiple sites, experienced at reviewing status reports and progress toward goals, and quickly identifying deviations and questionable items. Detail oriented, delving into anomalies and needed action. I understand that with a small city staff, it will be important for me to dig deeper into proposals by businesses and developers, hearing input from surrounding homeowners, considering impact on the immediate area, and proposal compatibility with city goals. I have been known for facilitating compromise between divergent interests, which may be needed in zoning issues. In making my recommendations, I will be applying my personal set of values to the facts and what I believe to be fair and in the best interest of all parties involved and Lago Vista.

Position(s) desired - First Choice

Board of Adjustment

Position(s) desired - Second Choice

Planning & Zoning Commission

Position(s) desired - Third Choice



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CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Charles West, City Manager

SUBJECT: Action regarding **Resolution No. 25-2136** - Designating an Administrative Officer in absence or disability of the City Manager in compliance with the Lago Vista City Charter.

BACKGROUND: City Charter, Section 4.01. City Manager "...The City Manager shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, subject to approval by the Council, to perform the duties of the City Manager in his/her absence or disability from his/her duties. No member of the Council shall act as City Manager..."

FINDINGS: The letter is attached and will be filed with the City Secretary if approved by City Council.

FINANCIAL IMPACT: Not Applicable

RECOMMENDATION: Approve the designating of Tiffany Sparks, Human Resource Director, to serve as the Administrative Officer during the absence or during any period in which the City Manager is unable to perform the duties of the City Manager.

ATTACHMENTS:

[City Manager designation](#)

[Res No 25-2136 Designating Tiffany as Administrative Officer.docx](#)



City of Lago Vista
Office of the City Manager

June 26, 2025

To: Susie Quinn, Interim City Secretary
From: Charles West, City Manager
Subject: Designation of Administrative Officer in Absence or Disability

Pursuant to the City Charter of the City of Lago Vista, I hereby designate **Tiffany Sparks**, Human Resources Director, to serve as the Administrative Officer in my absence or during any period in which I am unable to perform the duties of City Manager due to temporary disability or unavailability.

Tiffany is hereby authorized to make administrative decisions and carry out the responsibilities of the City Manager, to the extent necessary, until such time as I resume my duties or the City Council appoints an acting or interim City Manager, as outlined by the Charter.

This designation is made with the approval of the City Council and is effective upon acceptance and filing with the City Secretary.

Please keep this letter in the official records of the city.

Respectfully,

A handwritten signature in blue ink, appearing to read "Charles West", is written over a light blue circular stamp.

Charles West
City Manager
City of Lago Vista

**CITY OF LAGO VISTA, TEXAS
RESOLUTION NO. 25-2136**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, APPROVING THE CITY MANAGER'S DESIGNATION OF AN ADMINISTRATIVE OFFICER TO SERVE IN THE CAPACITY OF CITY MANAGER IN HIS ABSENCE OR DISABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section [insert applicable section number] of the City Charter of the City of Lago Vista authorizes the City Manager to designate, with approval of the City Council, an administrative officer to perform the duties of the City Manager in the event of absence or disability; and

WHEREAS, the City Manager has recommended that **Tiffany Sparks**, Human Resources Director, be designated to serve in this capacity; and

WHEREAS, the City Council finds it to be in the best interest of the City to approve this designation to ensure continuity of municipal operations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

SECTION 1. The City Council hereby approves the City Manager's designation of **Tiffany Sparks** as the Administrative Officer to serve in the capacity of City Manager in the event of his absence or disability, effective immediately upon the filing of such designation with the City Secretary.

SECTION 2. This Resolution shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 26th day of June, 2025.

CITY OF LAGO VISTA

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor_____, seconded by Councilor_____,
the above and foregoing instrument was passed and approved.

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CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Action regarding **Resolution No. 25-2137** tabled at the May 15, 2025, City Council meeting which established the Development and Building Advocacy and Support Subcommittee to assist residents, builders, and developers in resolving development-related issues through Early Intervention, Council Guidance, and Collaboration with City Staff; and providing an effective date.

BACKGROUND: At the May 15, 2025, City Council meeting, the **Development and Building Advocacy and Support Subcommittee**, was established and consists of Councilor Benefield, Councilor Owen and Mayor Pro Tem Durbin. This Subcommittee met and the notes are attached.

The purpose of the subcommittee is not to override staff decisions, but to ensure concerns are heard, communication is consistent, and the public has an accessible venue for early assistance and constructive dialogue.

FINANCIAL IMPACT: Minimal. Staff time will be limited to coordination and participation as needed. No direct costs anticipated.

RECOMMENDATION: Approve the resolution authorizing the Development and Building Advocacy and Support Subcommittee and defining its scope, participation, and recurring meetings.

ATTACHMENTS:

[Resolution No. 25-2137 - Development and Building Advocacy Subcommittee.docx](#)
[Subcommittee Notes.pdf](#)

RESOLUTION NO. 25-2137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, ESTABLISHING THE DEVELOPMENT AND BUILDING ADVOCACY AND SUPPORT SUBCOMMITTEE TO ASSIST RESIDENTS, BUILDERS, AND DEVELOPERS IN RESOLVING DEVELOPMENT-RELATED ISSUES THROUGH EARLY INTERVENTION, COUNCIL GUIDANCE, AND COLLABORATION WITH CITY STAFF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lago Vista is committed to supporting responsible development, transparent governance, and timely execution of construction projects; and

WHEREAS, the City Council recognizes that residents, builders, and developers often encounter challenges with permitting, inspections, code enforcement, or procedural requirements; and

WHEREAS, the Council seeks to provide a proactive, accessible venue for individuals to raise concerns and receive guidance — particularly in matters involving stop work orders or code compliance; and

WHEREAS, a standing Council-led Subcommittee can assist in early intervention, offer direction, and facilitate communication with relevant City departments;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

SECTION 1. Establishment

The **Development and Building Advocacy and Support Subcommittee** is hereby created. It shall consist of up to three (3) City Council Members appointed by the City Council with Council approval.

SECTION 2. Purpose and Responsibilities

The Subcommittee shall:

- Provide a recurring forum to hear concerns from residents, builders, and developers facing permitting issues, procedural delays, or enforcement actions;
- Assist in resolving matters related to code compliance and stop work orders through communication, documentation review, and staff engagement;

- Connect stakeholders with the appropriate City personnel and help coordinate solutions when needed;
- Identify recurring process breakdowns or inefficiencies and bring recommendations to the full Council.

This Subcommittee shall not override or replace official staff responsibilities but shall serve to improve communication and support resolution through collaborative engagement.

SECTION 3. Participation

The Subcommittee shall invite participation from relevant City departments and personnel, including but not limited to:

- Code Enforcement Officers
- The Director of Development Services
- Staff from Public Works, Permitting, and Inspections as appropriate

Meetings shall be posted in compliance with the Texas Open Meetings Act and shall be open to the public. The Subcommittee will meet regularly and remain accessible to all stakeholders.

SECTION 4. Effective Date

This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 26th day of June 2025, by the City Council of the City of Lago Vista, Texas.

CITY OF LAGO VISTA, TEXAS

ATTEST:

Kevin Sullivan, Mayor

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____ the above and foregoing instrument was passed and approved.

Development and Building Advocacy and Support Subcommittee Notes

1. Composition

The subcommittee shall consist solely of City Council members and designated city staff. No outside contractors, developers, or residents will serve on the subcommittee itself, to avoid any perception that one party has undue influence over city decisions or development projects. However, contractors, developers, engineers, and residents will be encouraged to participate freely in the roundtable meetings, which are separate from the subcommittee but vital to its function and feedback loop.

2. Membership

The following individuals will serve on the subcommittee:

- Charles West, City Manager
- Jillian Dougherty, Development Services
- Councilwoman Norma Owen
- Councilman Rob Durbin
- Councilman Adam Benefield

3. Mission Statement and Purpose

The Development and Building Advocacy and Support Subcommittee is a council led initiative to improve communication, clarity, and collaboration between the City of Lago Vista and those navigating development, permitting, and inspection processes. The subcommittee's purpose is to:

- Create process oriented tools (e.g., checklists) for applicants;
- Identify common delays or misunderstandings and recommend solutions;
- Host quarterly roundtables for feedback from the contractor and development community;
- Serve as an early engagement resource, prior to code enforcement actions or formal commission involvement;
- Support city staff by improving applicant preparedness.

4. Duration and Objective

The subcommittee aims to fulfill its mission within one calendar year. The ultimate goal is to work itself out of existence by creating tools and processes that can be adopted and maintained by city staff moving forward.

5. Permit Checklist Development

The subcommittee will prioritize the development of permit specific checklists (e.g., fence permits, sheds, accessory dwellings). These guides will direct applicants to the appropriate code sections and outline best practices. While the checklists are meant to aid understanding, they do not replace personal responsibility for complying with all applicable city ordinances. Checklists will evolve as additional insights emerge through city and contractor feedback.

6. Contractor Roundtable Meetings

The city will send an invitation to all contractors in the current database to attend a quarterly “Contractor Roundtable.” These meetings will:

- Provide a forum for open feedback;
- Allow city officials and subcommittee members to identify recurring themes or challenges;
- Help prioritize checklist creation and workflow improvements.
While initial meetings may see high participation, the expectation is that attendance will naturally decline as processes improve. These roundtables may continue beyond the one-year scope if they remain effective and relevant.

7. Subcommittee Workflow

The subcommittee will meet regularly to:

- Prepare for roundtable events;
- Set agendas and review post-meeting feedback;
- Develop and revise checklists;
- Coordinate with city staff to ensure recommendations align with city operations and ordinances.

8. Boundaries and Limitations

The subcommittee does not have the authority to issue permits, override staff decisions, or alter code. All formal actions and changes will continue to route through the city’s official channels and departments. This group serves in an advisory and facilitative role to enhance efficiency and public understanding.

9. Additional Recommendations from Prior Conversations

- Leverage best practices from nearby cities which utilize development review teams or ombudsman style groups to improve builder support and project clarity.
- Create a welcoming and collaborative development environment, especially for residents and builders who are investing time and money under stringent regulatory conditions.
- Maintain a tone of support; not criticism, for city staff, while ensuring citizens have an advocate to help them understand the process and stay in compliance.
- Encourage respectful, direct dialogue. Emails or communications that cast aspersions behind closed doors only reinforce the need for open and transparent forums like this subcommittee.

10. General Statement of Intent

This subcommittee will be a bridge, not a barrier. Its job is to advocate for improved outcomes; not specific outcomes, and help foster a culture of communication, education, and cooperation between the City of Lago Vista and its stakeholders.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Action regarding **Ordinance No. 2025-06-26-01** affirming that the City of Lago Vista is a Constitution honoring community that upholds the protections guaranteed by the United States Constitution and Bill of Rights.

BACKGROUND: To adopt a legally enforceable ordinance affirming that the City of Lago Vista is a Constitution honoring community that upholds the protections guaranteed by the United States Constitution and Bill of Rights. This ordinance codifies that participation in all city-sponsored public events, including but not limited to the Independence Day Parade, shall not be restricted based on the content or viewpoint of constitutionally protected speech, provided it is not obscene, vulgar, inciting, or otherwise unlawful. The ordinance provides clear, consistent, and permanent guidance for all city staff, departments, and event participants.

FINANCIAL IMPACT: Not Applicable

ATTACHMENTS:
[Ordinance No. 25-06-26-01.pdf](#)

**CITY OF LAGO VISTA, TEXAS
ORDINANCE NO. 25-06-26-01**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, REAFFIRMING THE CITY’S COMMITMENT TO THE UNITED STATES CONSTITUTION AND BILL OF RIGHTS, AND ESTABLISHING A POLICY THAT CONSTITUTIONALLY PROTECTED SPEECH SHALL NOT BE PROHIBITED IN CITY-SPONSORED EVENTS BASED ON CONTENT, POLITICAL AFFILIATION, OR VIEWPOINT; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of Lago Vista, Texas, recognizes the foundational importance of the United States Constitution and the Bill of Rights in protecting the freedoms of its citizens, including freedom of speech, assembly, religion, and due process of law;

WHEREAS, the First Amendment of the United States Constitution provides the highest level of protection to political and civic speech, and prohibits governmental entities, including municipalities, from enacting or enforcing content-based or viewpoint-based restrictions on such speech;

WHEREAS, consistent with legal precedent and municipal law, the City Council understands that content-based restrictions on signage or messaging—such as barring “overtly political” expressions—are presumptively unconstitutional and should not be applied to city-sponsored events;

WHEREAS, the City of Lago Vista intends to maintain a welcoming, inclusive, and constitutionally respectful environment for all residents and participants in city-sponsored events, and seeks to eliminate the need for case-by-case review of expressive signage and displays;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

SECTION 1. AFFIRMATION OF CONSTITUTIONAL RIGHTS The City of Lago Vista reaffirms its dedication to upholding and honoring the United States Constitution and the Bill of Rights. These foundational documents shall guide all policies and practices related to city- sponsored public events.

SECTION 2. PROHIBITION ON CONTENT-BASED RESTRICTIONS No person or organization shall be restricted from participating in city-sponsored events, including but not limited to parades, festivals, or public celebrations, on the basis of the political, religious, or ideological content of their signage, banners, apparel, or displays, provided such content is not obscene, vulgar, inciting violence, or otherwise unlawful under state or federal law.

SECTION 3. EVENT GUIDELINES LIMITED TO TIME, PLACE, AND MANNER All regulations issued by the City of Lago Vista or its staff concerning participation in city events must be content-neutral and based solely on legitimate time, place, and manner restrictions necessary for public safety, traffic control, and the orderly operation of events.

SECTION 4. REVISION OF CURRENT PROCEDURES The City Manager shall ensure that all departments, event coordinators, and contractors involved in organizing city-sponsored events revise any current procedures or policies to comply with this ordinance. This shall include, but not be limited to, staff training and updated application materials.

SECTION 5. NOT AN ENDORSEMENT Nothing in this ordinance shall be construed as an endorsement by the City of Lago Vista of any particular viewpoint, political party, organization, or religious belief.

SECTION 6. SEVERABILITY If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid or unenforceable for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 7. REPEALER All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 8. EFFECTIVE DATE This Ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED on this 26th day of June, 2025.

CITY OF LAGO VISTA, TEXAS

ATTEST:

Kevin Sullivan, Mayor

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Referral to Building and Standards Commission to consider requiring BSC recommendation for ordinance amendments within Its jurisdiction.

BACKGROUND:

The City Council is asked to consider referring to the Building and Standards Commission (BSC) a proposed ordinance concept that would formalize a recommendation process similar to that currently required of the Planning & Zoning Commission (P&Z) for zoning amendments.

Under existing city code, any proposed amendment to Chapter 14 (Zoning) must first be referred to P&Z for recommendation before coming to Council. However, there is no corresponding provision requiring BSC review of proposed amendments to any chapters or other provisions within its enforcement authority, despite its status as a quasi-judicial commission under Texas Local Government Code Chapter 54, Subchapter C.

This proposal would align the City's code amendment procedures for quasi-judicial commissions and ensure that subject-matter expertise is applied prior to legislative changes.

FINDINGS:

Proposed Concept Language (Referral Draft):

"All proposed amendments to ordinances that fall within the purview of the Building and Standards Commission shall first be referred to the Commission for recommendation prior to City Council consideration. This includes, but is not limited to, amendments to Chapter 3 (Building Regulations), Chapter 5 (Signs), Chapter 6 (Property Maintenance and Nuisances), Chapter 11 (Access Management) and any other provisions relating to building safety, code enforcement, or property

maintenance subject to the Commission's jurisdiction."

Supporting Rationale:

- Enhances procedural consistency across quasi-judicial bodies (BSC and P&Z).
- Ensures technical review and subject-matter input before Council action.
- Strengthens transparency and accountability in legislative changes related to building safety and enforcement.

FINANCIAL IMPACT:

To be determined

RECOMMENDATION:

Refer the following draft concept language to the Building and Standards Commission for discussion and recommendation:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	June 26, 2025
SUBMITTED BY:	Councilor Roberts, City Council
SUBJECT:	Referral for Technical Review – Concerns Regarding Water and Wastewater Master Plan Assumptions.
FINANCIAL IMPACT:	To be determined
RECOMMENDATION:	<p>Refer the Stewart correspondence and attachments to the City Engineer and Public Works Department for formal review. Staff should return to Council with a written assessment addressing the following:</p> <ol style="list-style-type: none">1. Whether the specific issues raised are factually valid or require correction.2. Whether amendments to either adopted Master Plan are warranted.3. Whether any near-term capital projects, cost estimates, or policy assumptions should be reconsidered.4. What engagement, if any, is appropriate with Jonestown regarding shared infrastructure.
ATTACHMENTS:	<p>Dave Stewart Email Highlights.pdf Expanding the Old WWTP.pdf WTP3 to Viking Tank Waterline Compare.pdf WTP3 WL Easements (002).pdf</p>

Here are some items that I found in the wastewater & water master plans that are out of whack after a quick look at the master plans.

Wastewater master plan:

- The city is making repairs to Destination Way Lift Station and Old Burnet Road Lift Station which are owned by the City of Jonestown. I built them for the City of Jonestown as part of the Hollows settlement but the CLV is not responsible for the financial costs to upgrade them.
- There are between 8-11 miles of FM collectors missing in the WW piping plan -- mostly unrecorded FMs that I built and some FMs that NRC built. If they are kept in use as they should be, then smaller mains which cost less can be installed to achieve buildout piping capacities.
- Some of the FM collectors in the master plan are shown sized too small. They are actually larger diameter pipes.
- The master plan does not reflect that Shoreline Ranch's sewage is supposed to go to Alfalfa Lift Station which resulted in some huge compensating new pipeline construction expenses. I have already run the pipeline for Shoreline Ranch's sewage all the way from Shoreline Ranch to the WWTP. It can be hooked up to tomorrow.
- Some of the FM improvements should be paid for by developers as the current FMs are sufficient for current CLV buildout. Developers should be paying for off site improvements needed to service their new subdivisions, not the citizens.
- Lift stations that I coated with epoxy in the last 10-15 years are being recoated with epoxy which makes no sense since epoxy has a minimum lifespan of 50 years.
- The master plan miscalculates the sewage going through Turner Lift Station and the major rebuild of Turner Lift Station is not needed.
- Any gravity main projects, particularly the 24" Lakefront gravity main, are idiotic as the CLV is now a FM only city. Most of the city's gravity mains are already sized for build-out.
- The current %15-19 MD WWTP 1.5 MGD expansion plan is a gross waste of money and should be terminated. The current WWTP can be brought to 2.0 MGD with Type I effluent for no more than \$9 MD.




Water master plan:

- The WTP3 expansion costs should not exceed \$7 MD.
- The new WTP3 transmission line to the Viking Tank and Lohmans/Paseo De Vaca tanks can be installed for \$7 MD max if the pipelines are returned to their original route. Current master plan cost estimates exceed \$15 MD.
- I really like this one:

City of Lago Vista		FREESE & NICHOLS		LAGO VISTA	
Capital Improvement Cost Estimate			July 31, 2024		
Construction Project Number: 20			Phase: Buildout		
Project Name: New 0.40 MG Talon EST					
Project Description:					
This project consists of a 0.40 MG Talon elevated storage tank to replace the proposed Hydro Tank (Project #1).					
Project Drivers:					
Pressure Plane 5 is currently supplied by the Talon pump station and associated Talon Hydro Tank. As Pressure Plane 5 approaches buildout, the pressure plane may be better served by a standing elevated storage tank, as opposed to a large hydro tank and a pump station with long run times. The elevated storage tank will provide excess storage for power outages and allow for the pumps supplying PP-5 to rotate. The proposed elevated storage tank is within flight path considerations of the nearby airport. Consultation and approval with the FAA will be required upon design and construction.					
Opinion of Probable Construction Cost					
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	New 0.40 MG Talon EST	1	LS	\$ 2,400,000	\$ 2,400,000
2	Decommission Hydro Tank	1	LS	\$ 100,000	\$ 100,000
				SUBTOTAL:	\$ 2,500,000
				CONTINGENCY	30% \$ 750,000
				SUBTOTAL:	\$ 3,250,000
				ENG/SURVEY	15% \$ 487,500
				SUBTOTAL:	\$ 3,737,500
				Estimated Project Total:	\$ 3,737,500

The FAA will never approve this. You can't even build a 2-story house in the Bar K Airport flight path, much less a 120' tall water tower.

- We definitely do not need this project:

  					
Capital Improvement Cost Estimate July 31, 2024					
Construction Project Number: 13 Phase: 10-Year					
Project Name: New Paseo Pump Station and GST					
Project Description:					
<p>This project expands the pumping and ground storage tank capacity of the Paseo HSPS.</p>					
Project Drivers:					
<p>To meet the projected demands in Pressure Planes 3, 5, 8, and Tessera, the Paseo HSPS is recommended to be expanded to 1,500 gpm firm in the 10-year planning scenario, with the ability to add an additional pump for the buildout scenario.</p>					
Opinion of Probable Construction Cost					
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	New 1,500 gpm Paseo Pump Station	1	LS	\$ 3,240,000	\$ 3,240,000
2	New 1.5 MG Lohman/Paseo Ground	1	LS	\$ 2,250,000	\$ 2,250,000
3	Decommission Ground Storage Tank	1	LS	\$ 100,000	\$ 100,000
				SUBTOTAL:	\$ 5,590,000
				CONTINGENCY	30% \$ 1,677,000
				SUBTOTAL:	\$ 7,267,000
				ENG/SURVEY	15% \$ 1,090,100
				SUBTOTAL:	\$ 8,357,100
				Estimated Project Total:	\$ 8,357,100

I installed the build-out pump cans in the Paseo de Vaca pump house and they are ready to receive the build-out pumps without modifications.

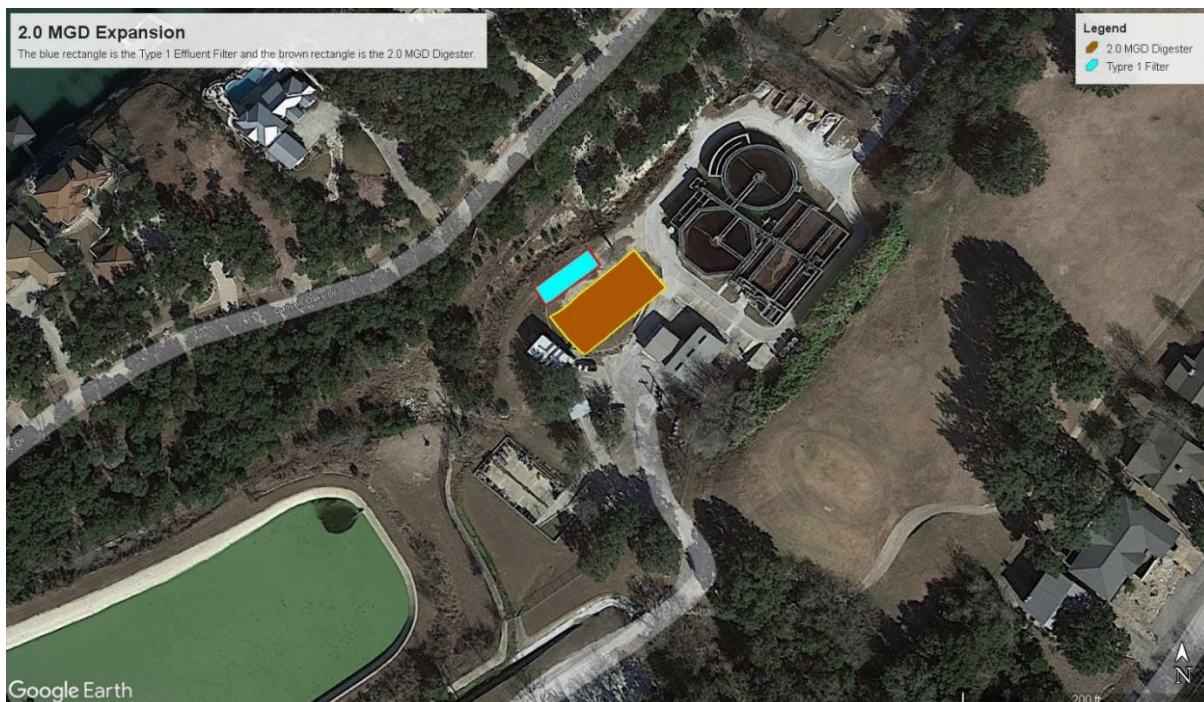
These are just a few things wrong that I found after a quick look at the two master plans. There are many more items that need to be addressed as well.

WWTP Expansion & Type 1 Filter Addition

I think that the WWTP Expansion & Type 1 Filter Addition costs mentioned in the last City Council meeting are way too high. Here is a brief history of the WWTP and previous plans to expand the existing WWTP.

When the existing WWTP was built, the contractor ran into a karst cave system directly under the clarifier. Construction was halted and the karst was filled with 130 cubic yards of flowable fill. The City Engineer decided to raise the new WWTP 11 feet out of the ground and it was built that way. When we filled the new chambers with water, all of the above ground chambers cracked in 53 different places. A structural engineer determined that the concrete walls were a foot too thin and needed 35% more steel than what was in the walls. It took 18 months to get the concrete chambers fixed and put the WWTP in service. We used epoxied carbon fiber panels (originally used in the Space Shuttle's wings) to reinforce the cracked walls and added concrete buttresses in other areas. In his report, the structural engineer stated that the expected service life for the repaired chambers would be 25-30 years instead of 50+ years. This is basically due to the interior cracks allowing the aggressive sewage waters to eat the undersized steel rebar, which could possibly cause a catastrophic structure failure after 30 years.

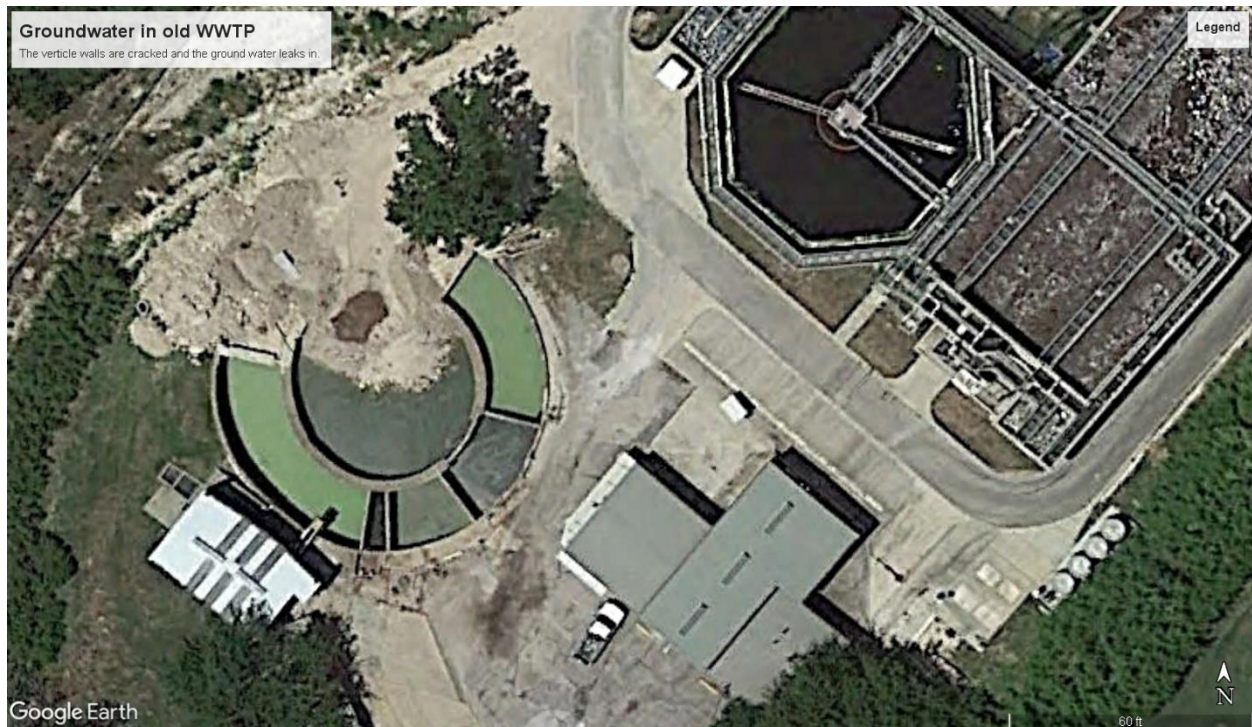
Knowing that the structurally defective WWTP would have to be replaced about 2035 led to the decision to build a properly engineered standalone 1.0 MGD clarifier (completed in 2020) followed by a standalone 2.0 MGD digester in the future. Please see the photo below.



The existing failing WWTP structures could then be knocked down and replaced. It would require the rental of a temporary vessel to act as a reair unit when this happens but the WWTP could stay in service during reconstruction. Once the structurally deficient chambers have been replaced, the rebuilt WWTP would have a 50+ year service life with only standard maintenance.

This means that the new 2.0 MGD digester (the brown rectangle) needs to be built now. The old 1.0 MGD digester would be repurposed to a 1.0 MGD reair unit and with the current 1.0 MGD reair unit, you would then have a fully functional 2.0 MGD WWTP.

The new 2.0 MGD digester is supposed to be built where the old WWTP used to be. It will have to be built above ground because of the spring that runs under the old WWTP.

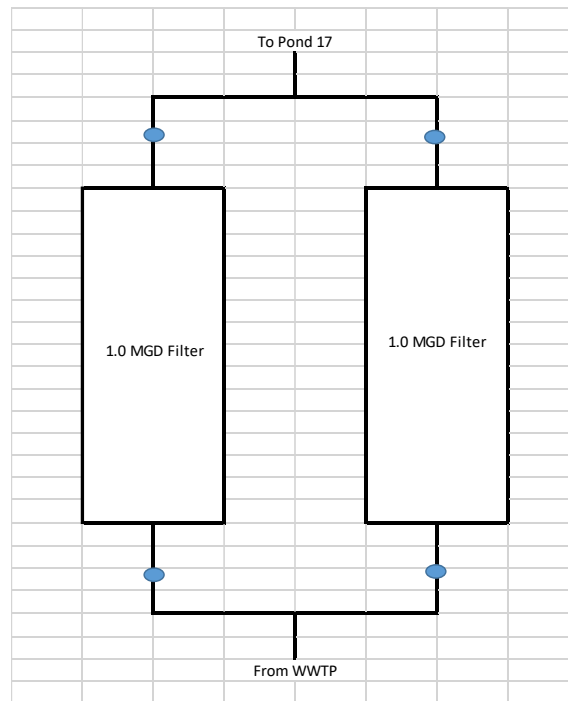


You can see the ground water from the spring which infiltrated the old WWTP structure through the cracks in its walls in the above photo. The same underground spring runs under Pond 17.

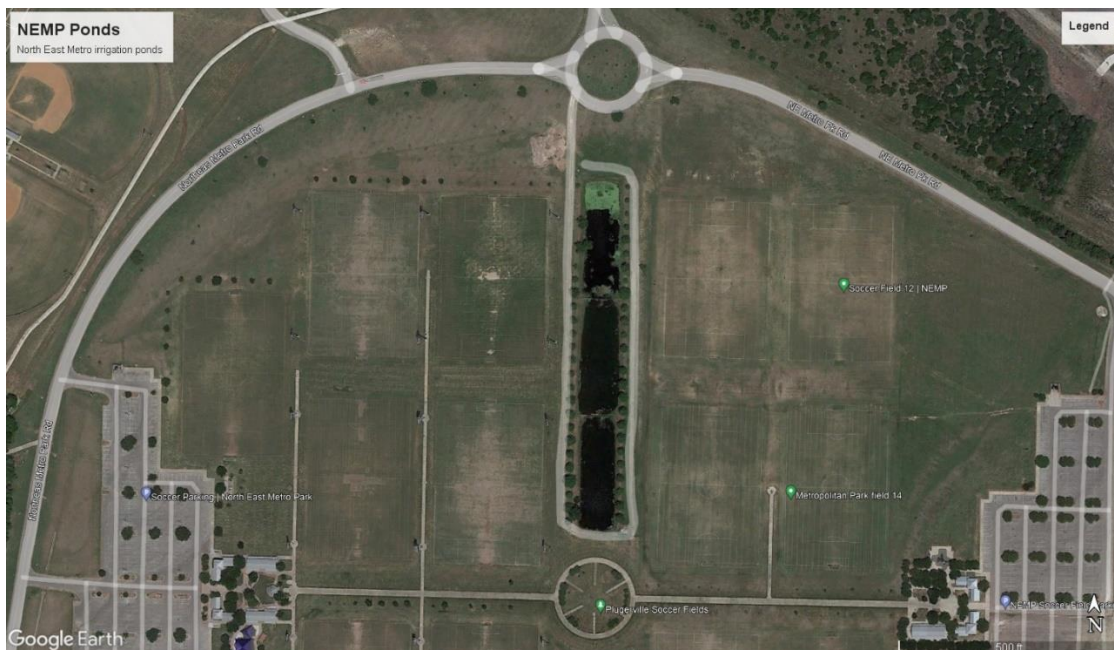
The new TCEQ Discharge Permit should be structured after the current TCEQ Discharge Permit. Basically, because of effluent disposal issues, you will have to stair-step your new discharge permit to several phases like 1.25 MGD, 1.5 MGD, and 2.0 MGD.

All of this was carefully planned out before the new 1.0 MGD clarifier was built.

In the first photo above, you can see the location of the Type 1 filter (blue rectangle). Here is what it would look like:



The blue dots are valves. The purpose of a Type 1 filter is to eliminate pathogens, not filter out algae. Once you achieve the effluent treatment level required for Type 1 effluent, the effluent remains Type 1 effluent regardless of the algae content in the pond. Northeast Metro Park has been using Type 1 effluent for years without making the Type 1 effluent at the park. Please see the picture below:



You can see algae in the ponds, but the pump draws water from a lower level in the pond. When we irrigate the LVGC, the water goes through an automated algae removal filter before the Type 2 effluent is sent to the sprinkler heads. This is a pretty common practice when effluent is used for crop irrigation.

I believe that the current liner for Pond 17 was made from PVC. The new liner should be made from HDPE which is impervious to the UV rays which rot PVC liners. A floating intake barge should be added to the Pond 17 repair so that the entering effluent can enter Pond 17 without damaging the new liner. Please see below:



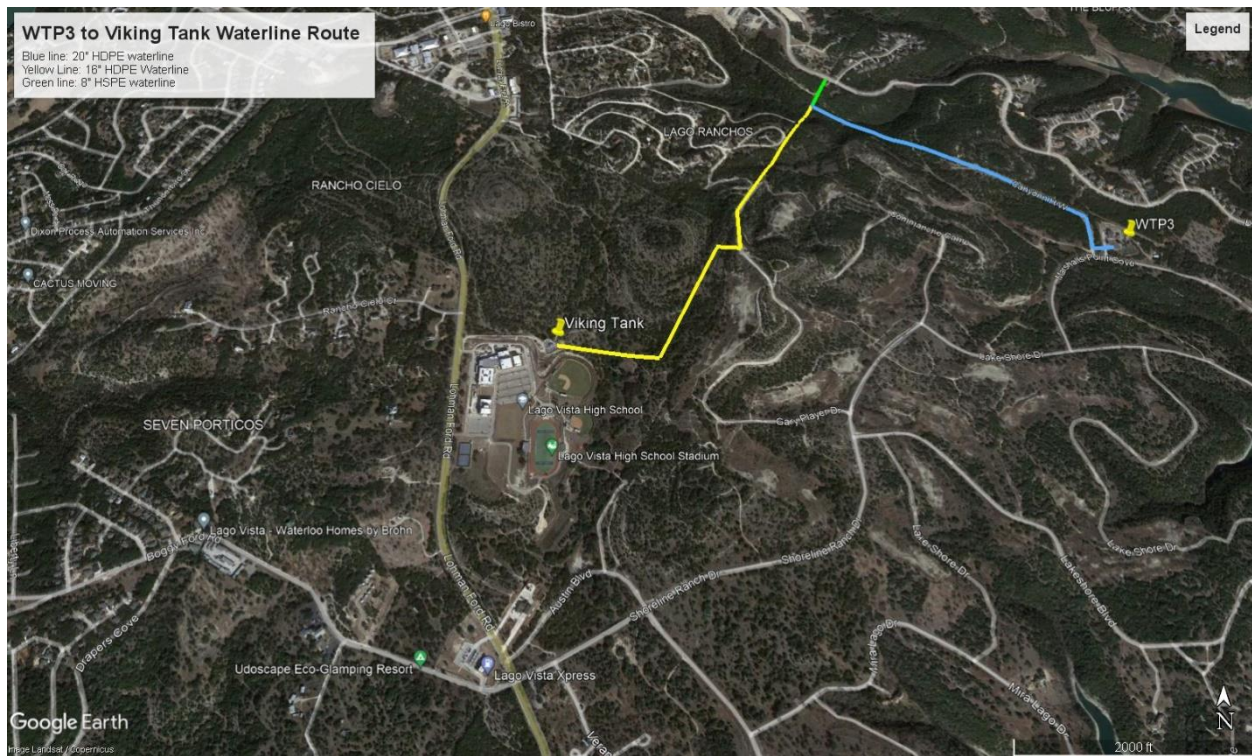
The correct name for Pond 2 is actually Pond 3. That is how the city listed the pond with TCEQ when it was used to irrigate the LVGC with the LVGC Pond 3 Pump Station. If you intend to reline Pond 3, then you will need to notify TCEQ and they will want you to use the name for the pond that they have in their files.

I am good with the estimates to reline Pond 17 and Pond 14. I think that you can convert to Type 1 effluent at the current WWTP for \$1,000,000. It would be a smart decision to switch to making Type 1 effluent.

If you have any questions, please let me know and I will do my best to answer them.

WTP3 to Viking Tank Waterline

Once WTP3 was chosen by the 2011-13 City Councils to become the go-to location for future water plant expansions, former City Engineer Tim Haynie developed a water transmission pipeline plan that would allow WTP3 to maximize the delivery of water from WTP3 to both the North and South neighborhoods in Lago Vista.



Former City Engineer Tim Haynie's original distribution piping plan.

The Haynie water transmission pipeline started with a 20" HDPE waterline (the blue line) which then split into two other waterlines. A 16" HDPE waterline (the yellow line) would fill the Viking Water tank which provides water to the South side of Lago Vista. An 8" HDPE waterline (the green line) would connect to the 8" waterline on Destination Way which would allow WTP3 to fill the Hollows and Bronco Lane Water Tanks during an emergency. The Destination Way areas of The Hollows, FM 1431 and Bar K Ranch Road area, Airport hill area, and the upper pressure plane of Tessera would benefit from this waterline during an emergency. The 20" HDPE waterline was also designed to be extended to the Paseo De Vaca and Lohmans Ford Road Water Tanks when increased water demand caused by future growth on the North side of town dictates the need.

A past City administration abandoned the Haynie water transmission pipeline route and instead proposed an alternate WTP3 to Viking Tank waterline route which can be seen below.



Alternate WTP3 to Viking Tank waterline

The alternate pipeline route only benefits the South side of Lago Vista and does not relieve the City from having to run a 20" waterline from WTP3 to the Paseo De Vaca and Lohmans Ford Road Water Tanks in the future. The original Haynie water transmission pipeline is clearly the best routing for the WTP3 to Viking Tank waterline and is the best long-term fiscal option for the City as well.

The WTP3 to Viking Tank waterline needs to be installed before the City can add another 2 MGD treatment unit to WTP3 and this is now a critical infrastructure issue for the community which needs to be resolved.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Councilor Roberts, City Council

SUBJECT: Referral to Planning & Zoning Commission - Aggrieved Person Definition and Procedural Compliance Appeals

BACKGROUND: Lago Vista’s Code of Ordinances currently limits the right to appeal zoning, platting, or development decisions to those who are directly denied a permit or those who live within 200 feet of a subject property. While this may be appropriate for certain types of appeals, it leaves a structural gap when it comes to procedural compliance: there is currently no path for a concerned citizen to raise a procedural appeal (e.g., missing required plan documents or failure to provide notice) unless they meet that narrow standing criteria.

This proposal seeks to remedy that gap by referring to P&Z a narrowly tailored expansion of the definition of 'Aggrieved Person' under Chapter 14, Section 2.10. It also proposes the addition of a new Section 11.80 to create a clearly defined pre-approval appeals process for procedural violations. Appeals would have to be filed before vesting occurs, and would be limited to procedural concerns, not subjective objections to development.

FINDINGS:

The purpose of this referral is to ensure that if the City’s own zoning and development procedures are not followed — such as missing a required concept plan under Section 3.30, or bypassing application requirements under Sections 6.10 and 6.20 — there is a lawful process for such violations to be flagged and corrected before development rights vest.

The referral also allows staff, the Planning & Zoning Commission, and the City Attorney to evaluate and determine proper structure, placement, and legal boundaries for any resulting ordinance amendment.

FINANCIAL IMPACT: Not Applicable

RECOMMENDATION: Refer to Planning & Zoning Commission.

ATTACHMENTS:

[Proposed Ordinance Concept Language \(Chapter 14 Focus\).docx](#)

[Relevant Excerpts from Chapter 14 - Sections 2.10.docx](#)

Proposed Ordinance Concept Language

Subject: Aggrieved Person Definition and Procedural Compliance Appeals (Pre-Approval Only)

Ch. 14, Section 2.10 – Amendment to Definitions

“Aggrieved Person” means any individual who alleges a procedural violation in the application or processing of a zoning, plat, or development application. The individual need not own property adjacent to or within 200 feet of the subject property, but must file such claim prior to the vesting of development rights. For purposes of procedural appeals, this definition shall be construed broadly to ensure compliance with the City’s zoning and development procedures.

Ch. 14, Section 11 – Create 11.80: Procedural Compliance Appeals (Pre-Approval Only)

11.80 Procedural Compliance Appeals (Pre-Approval Only). Any aggrieved person, as defined in Section 2.10, may file an appeal alleging that procedural requirements applicable to the review of a zoning change, plat, or development application were not followed. Such appeals must be submitted in writing prior to the approval and vesting of development rights. The appeal shall be considered by the Planning and Zoning Commission. No appeal shall be considered after final approval is granted.

Note: This document is intended to support Council discussion and referral only. Final structure and placement are subject to review and recommendation by staff, Planning & Zoning Commission, and Building Standards Commission, with legal review from the City Attorney.

Relevant Excerpts from Chapter 14

Section 2.10 – Definitions (Excerpt)

“Aggrieved Person”: [Insert excerpted text from current ordinance here – to be replaced with amended definition if approved.]

Section 3.30 – Planned Development Districts (PDDs)

This section governs the procedures for establishing and amending Planned Development Districts, including requirements for concept plans and detail plans, and references conditions under which those must be submitted.

Section 6.10 – Zoning Application Requirements

Outlines submission requirements and procedural steps for zoning applications, including timelines, documentation, and completeness checks.

Section 6.20 – Development Application Requirements

Specifies the contents, formatting, and review steps required for development applications to be deemed complete for processing.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT: Discussion, consideration, and possible action surrounding the city's strategy and priorities related to reaching an agreement between itself and the Rusty Allen Airport POA.

BACKGROUND:

The city has implemented 3 different agreements with the Rusty Allen Airport POA (RAAPOA) over more than 2 decades. An original agreement was signed in 1999, a renewal in 2009, and a second renewal in 2019. The 2019 renewal agreement expired at the end of February 2024. The RAAPOA sent the city a letter of non-renewal of the 2019 agreement in November of 2023 and no agreement has been in place for 16 months. The city did not receive the RAAPOA's annual maintenance payment in the summer of 2024, and with no action, will not receive a payment in the summer of 2025 either.

In April of 2024, the council approved Resolution 24-2056 and in March of 2025, the council approved Resolution 25-2116 to designate people to negotiate on behalf of the city relative to garnering a Section 185 grandfathering designation from the FAA. The purpose of the grandfathering was to make the city immune to the need to comply with the 2012 FAA Modernization Act with the end goal of being able to come to an agreement with the RAAPOA on an annual maintenance agreement and restarting the payment by the RAAPOA of an annual maintenance payment to the city. At this time, no fruit has been born by these resolutions, and the AAB has not even met to discuss such issues in all of 2025. Its only meeting in 2025 was in January and it was only to discuss Resolution 25-2116. No future meetings of the AAB are scheduled at this time.

In the March to May timeframe of 2025, Mayor Sullivan

conducted an informal, fact-finding email thread with FAA personnel involved with determining airport sponsor's qualifications for grandfathering under Section 185. That email thread is attached and shows that the FAA is still of the opinion that Lago Vista as sponsor of Rusty Allen Airport still does not qualify for the Section 185 grandfathering. Given this information as well as the previous assertions by TxDOT Aviation officials (see attached notes from December 2023 and December 2024 discussions with TxDOT Aviation officials) that the city should seek to opt out of the Federal NPIAS system and align directly with TxDOT, should the council reconsider its previously stated priority of having elected officials trying to negotiate an exemption we are not likely to receive? Is the better path one that sees the council approve a change in direction to have city staff (city manager and city attorney) work to bring back a proposal to exit NPIAS and align with TxDOT Aviation which will allow the city to return to a 2009 style agreement with the RAAPOA and re-establish a formal relationship between the two parties and restart the maintenance fee payment by the RAAPOA to the city?

FINDINGS: To be determined

FINANCIAL IMPACT: Not Applicable

ATTACHMENTS:

[1999 Funding Agreement.pdf](#)

[2009 Funding Agreement.pdf](#)

[2019 Funding Agreement.pdf](#)

[2023-12 - Questions and Responses with TxDOT Aviation.pdf](#)

[2024-12 - Questions and answers with TxDOT Aviation.pdf](#)

[Resolution No. 24-2056](#)

[Resolution No. 25-2116](#)

[2025 Email thread between Mayor Sullivan and FAA Officials.pdf](#)

**FUNDING COMMITMENT AND AGREEMENT
FOR THE RUSTY ALLEN AIRPORT.**

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

This Funding Commitment and Agreement for the Rusty Allen Airport (this "Agreement") is entered into as of the 1st day of March 1999, by and between the City of Lago Vista, Texas, a Texas general law municipal corporation (the "City"), as the owner of the Rusty Allen Airport (the "Airport") and the Rusty Allen Airport Property Owners Association, Inc., a Texas non-profit corporation (the "RAAPOA"), who covenant and agree as follows:

Whereas, the City, as Lessor, and the RAAPOA, as Lessee, entered into a Lease Agreement, dated August 26, 1994, whereby the RAAPOA leased the Airport (the "Lease") and agreed to plan, operate, manage and improve the Airport;

Whereas, at the request of the RAAPOA, the City and the RAAPOA entered into the Rusty Allen Airport Management and Operating Agreement, dated the 18th day of December 1997, (the "O&M Agreement") whereby the RAAPOA agreed to plan, operate, manage and improve the Airport and to provide the required funding for such duties, responsibilities and actions, and the City agreed to cancel the Lease;

Whereas, the RAAPOA desires to terminate the O&M Agreement and its duties and responsibilities for the planning, operation, management and improvement of the Airport, but not its duties and responsibilities to fund all such work, duties and responsibilities;

Whereas, the City has agreed to release the RAAPOA from its duties to plan, operate, manage and improve the Airport, but has not agreed to release the RAAPOA from its duties and responsibilities to fund the planning, operation, management and improvement of the Airport;

Whereas, the RAAPOA has promised and agreed to provide, and to continue to provide, the funds and monies necessary for the planning, operation, management and improvement of the Airport, in consideration of the City terminating the O&M Agreement and releasing the RAAPOA from its duties and responsibilities to plan, operate, manage and improve the Airport;

NOW THEREFORE, for and in consideration of the foregoing and the City's agreement to cancel and terminate the O&M Agreement, together with other good and valuable consideration, the promises, terms, conditions and mutual covenants listed in this Agreement:

Article 1.
Consideration and Services By City.

Section 1. Airport Operation and Management. The City has taken or will take the following actions:

- (a) Create an aviation department and employ personnel, initially consisting of a part-time airport manager, to operate, manage and supervise the Airport as a city department under the general direction and supervision of the City Manager;
- (b) Create and establish an Airport Advisory Board;
- (c) Operate, manage and improve the Airport as an asset and resource of the City, as may from time to time be appropriate in the judgment and discretion of the city council;
- (d) Cause the funds and revenue received from the operation of the Airport, and the fund and revenues to be paid to the City by the RAAPOA pursuant to this Agreement, to be deposited into the general fund and appropriated to the aviation department; and
- (e) Establish an annual budget for the Airport and the aviation department whereby the funds and revenues received pursuant to (d) above will be appropriated for the operation and maintenance of the Airport.

Section 2. Capital Improvements. The City will, as appropriate in the judgment of the city council from time to time, seek and authorize state and federal grants for the improvement of the Airport.

Section 3. Cancellation of Prior Agreements. The City covenants and agrees that the prior agreements, the Lease and the O & M Agreement, shall be cancelled and thereafter be and become null and void, upon an authorized officer of the RAAPOA executing this Agreement, and the RAAPOA thereafter paying the revenues, funds and consideration herein agreed to be paid by the RAAPOA to the City.

Article 2.
Consideration And Performance By the RAAPOA.

Section 1. Cancellation of Agreements. The RAAPOA agrees that the City's cancellation of the prior agreements, the Lease and the O&M Agreement, is a material benefit to the RAAPOA and a good and sufficient consideration for the promises, covenants, agreements and commitments by the RAAPOA pursuant to this Agreement; and that the prior agreements, the Lease and the O&M Agreement, shall be cancelled and be and become null and void upon the execution of this Agreement by the City and an authorized representative of the RAAPOA.

Section 2. Operating Payments to City. The RAAPOA shall during the term of this Agreement collect from its members and pay to the City sufficient funds and monies to fund and pay the annual operating and maintenance expenses of the Airport, as budgeted by the City Council; provided that if any funds budgeted for operation and maintenance of the Airport remain unencumbered at the end of any fiscal year of the City, such remaining balance shall be credited by the City to the funding requirement and monies otherwise payable by the RAAPOA for the following fiscal year of the City.

Section 3. Cost of Improvements. The RAAPOA shall during the term of this Agreement collect from its members and pay to the City sufficient funds and monies to fund and pay the cost of all necessary and useful improvements to the Airport, that are not paid and funded by a state or federal grant.

Section 4. Collection of Funds. The RAAPOA shall during the term of this Agreement use all reasonably available lawful means, including but not limited to filing suit, enforcement of liens, foreclosure and denial of membership privileges, to collect from its members funds sufficient to meet its obligations pursuant to Sections 2 and 3 above.

Article 3. General Provisions.

Section 1. Term. The term of this Agreement shall be 120 months, beginning on the 1st day of March 1999, and expiring at 12:00 P.M. local time on the last day of February 2009.

Section 2. No City Funding. City shall have no requirement under the terms and provisions of this Agreement to provide any monies for the Airport operation and maintenance.

Section 3. Airport Property. All property, real or personal, and all assets, equipment, furniture and fixtures presently or hereafter located on the grounds and property of the Airport shall, as between the City and the RAAPOA, be and remain the property of the City. All assets, equipment, furniture, fixtures and supplies purchased with funds and monies paid by the RAAPOA to the City pursuant to this Agreement shall be and become assets and property of the City immediately upon the purchase or other acquisition of such assets or property.

Section 4. Entire Agreement. This Agreement embraces the entire agreement between the parties hereto and no statement, remark, agreement, or understanding either oral or written, not contained herein shall be recognized or enforced, except that this Agreement may be modified by a written addendum by and between the City and the RAAPOA. Effective as of the date of the execution of this Agreement by both parties, all other contracts, agreements and leases by and between the City and the RAAPOA are cancelled.

Section 5. Miscellaneous. (a) For the purpose of this Agreement, the singular number shall include the plural and the masculine shall include the feminine and vice-versa, whenever the context so admits or requires.

(b) The captions and headings are inserted solely for convenience of reference and are not part of nor intended to govern, limit, or aid in the construction of any provision hereof.

(c) The parties to this Agreement acknowledge and agree that they are the principals to the Agreement and have the power, right, and authority to enter into this Agreement and are not acting as an agent for the benefit of any third party.

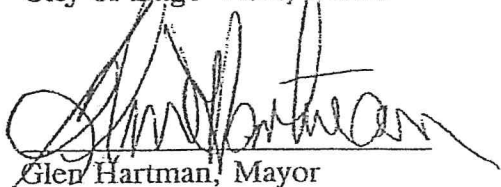
(d) This Agreement shall be governed by the laws of the State of Texas and construed thereunder and venue of any action brought under this document shall be in Travis County, Texas.

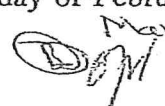
(e) If any section, paragraph, sentence, or phrase entered in this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, such illegality or unenforceability shall not affect the remainder of this Agreement which can be given effect without the illegal or unenforceable section, paragraph, sentence, or phrase and to this end, the provisions of this Agreement are declared to be severable.


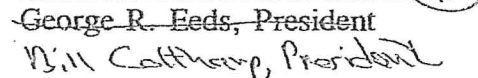
(f) The recitals hereinabove are incorporated herein and made a part of this contract.

EXECUTED this 23 day of ~~February~~ ^{March} 1998, but be effective as of March 1, 1999.

City of Lago Vista, Texas


Glen Hartman, Mayor

 Rusty Allen Airport Property Owners Association, Inc.


George R. Eeds, President

Bill Cattharp, President

CITY OF LAGO VISTA, TEXAS

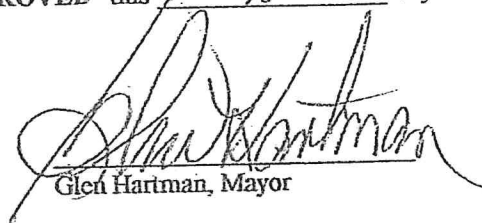
RESOLUTION 97-803

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS AUTHORIZING THE MAYOR TO SIGN A MANAGEMENT AND AIRPORT OPERATING CONTRACT AGREEMENT WITH THE RUSTY ALLEN AIRPORT PROPERTY OWNERS ASSOCIATION.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:

THAT, the City Council of the City of Lago Vista, Texas authorizes the Mayor to sign a Management and Airport Operating Contract Agreement with the Rusty Allen Airport Property Owners Association.

AND, IT IS SO RESOLVED, PASSED AND APPROVED this 18th day of December, 1997.


Glen Hartman, Mayor

ATTEST:

Glenda Sowle
Glenda Sowle, City Secretary

On a motion by Alderman T. Marten, seconded by Alderman F. Harless, the above and foregoing instrument was unanimously passed and approved.

FUNDING COMMITMENT AND ACCESS FEE AGREEMENT FOR THE
RUSTY ALLEN AIRPORT BETWEEN THE CITY OF LAGO VISTA, TX AND
RUSTY ALLEN AIRPORT PROPERTY OWNERS ASSOCIATION, INC.

This Funding Commitment and Access Fee Agreement (the "Agreement") for the Rusty Allen Airport is entered into and effective as of the 1st day of March, 2009, by and between the City of Lago Vista, Texas, a Texas home-rule municipal corporation (the "City"), as the owner of the Rusty Allen Airport (the "Airport"), and the Rusty Allen Airport Property Owners Association, Inc., a Texas non-profit corporation ("RAAPOA"), who hereby contract, covenant and agree as follows:

Whereas, the Funding Commitment and Agreement dated March 1, 1999 expired on February 28, 2009.

Article 1.

Section 1. Airport Operation and Management. The City has established and provided for the operation and management of the Airport. The City shall continue to fund and provide for the operation, management, continuation or termination of the Airport as found appropriate, from time to time, by the city council of the City.

1. Maintaining City owned runways, taxiways, airplane parking ramps and car parking lots in an operable condition.
2. Mowing the grass on the City owned airport property in accordance with city codes.
3. Maintaining and keeping all lighting in an operable condition to include runway lights, rotating beacon, PAPI (precision approach path indicator) and ramp lighting in accordance with FAA standards for day, night, VFR and IFR

- conditions and pay for the electricity to operate same.
4. Maintaining the AWOS (Automatic Weather Observing System) in an operable condition and all associated equipment and paying for the electricity and telephone service to operate same. In addition, keep and pay for the AWOS maintenance agreement with TxDot.
 5. Maintain drainage on City owned airport property in an operable manner

Section 2. Capital Improvements. The City may, as appropriate in the judgment of the city council, from time to time seek state and federal grants for improvement of the Airport.

Article 2.

Consideration And Performance By the RAAPOA.

Section 1. Cancellation of Agreements. The RAAPOA agrees the City's cancellation of the Lease and the O&M Agreement were material benefits to the RAAPOA and continue as good and sufficient consideration for the promises, covenants, agreements and commitments by the RAAPOA pursuant to this Agreement. The RAAPOA further agrees the modifications and amendments made to the First Agreement by this Agreement are good and sufficient consideration for this Agreement.

Section 2. Operating Payments to City. The RAAPOA shall, annually during the term of this Agreement, assess and collect funds and dues from its members sufficient for RAAPOA to pay the annual use fee provided in Section 3 to be paid by RAAPOA to the City.

Section 3. Annual Use Fee. The RAAPOA shall pay the City the sum of Twenty Thousand Dollars (\$20,000.00) on or before July 1st each year during the term of this Agreement. Such use fee shall be used by the City to fund and pay a portion of the annual operating and maintenance expenses of the Airport, runways and taxiways.

The first payment will be due sixty days after this agreement is signed and all payments thereafter will be due on July 1st through 2019.

Section 4. Additional Maintenance Assessments. During the term of this Agreement, in addition to the annual use fee described in Section 3, the RAAPOA will pay the City one half of the cost and expense incurred by the City in excess of two thousand dollars (\$2,000.00) but not reimbursed through some other means of any necessary major maintenance or repair of the runway, taxiway or related facilities; provided; however, that the City will make all reasonable efforts to secure funding for such maintenance and repairs through TxDot or other grants or insurance claims. The RAAPOA will assess and collect such additional funds and dues from its members sufficient for RAAPOA to make any payments required under this Section.

Section 5. Cost of Improvements. The RAAPOA shall during the term of this Agreement collect from its members and pay to the City sufficient funds and monies to fund and pay the cost of all necessary and useful capital improvements that are made to the existing Airport environment that are not paid and funded by a state or federal grant. As a general rule financial participation by the RAAPOA on grant supported Capital Projects shall be limited to five percent (5%) of the total project cost unless both parties agree to other financial arrangements. Nothing herein, shall preclude the City or the RAAPOA from funding Capital Improvement on or around the Airport which are not supported by grants or that may be funded in entirety by the City or the RAAPOA; however, all Capital Improvements undertaken at the Airport are subject to the approval of the City.

Section 6. Collection of Funds. The RAAPOA shall during the term of this Agreement use all reasonably available lawful means, including but not limited to filing suit, enforcement of liens, foreclosure and denial of membership privileges, to collect from its members funds sufficient to meet its obligations pursuant to this Article 2.

The RAAPOA shall have the authority to determine and collect tenant aircraft parking fees from all property owners and airplane owners utilizing the airport; provided that fees charged to non-property owners shall be approved by the City Council.

Article 3. General Provisions.

Section 1. Term. The term of this Agreement shall be 120 months, beginning on the 1st day of March 2009, and expiring at 12:00 P.M. local time on the last day of February 2019.

Section 2. City Funding. Any and all funding by the City of Lago Vista under this agreement is subject and limited to annual appropriations as approved by the City Council. If for any fiscal year the City does not appropriate funds sufficient in the judgment of the City Council to perform the City's obligations under Article 1, Section 1, the RAAPOA may terminate this Agreement.

If the city materially reduces, or does not provide, the services listed in Article 1, Section 1, the Annual use fee as stated in Article 2, Section 3, shall be amended accordingly.

Section 3. Airport Property. All property, real or personal, and all assets, equipment, furniture and fixtures presently or hereafter located on the grounds and property of the Airport shall, as between the City and the RAAPOA, be and remain the property of the City. All assets, equipment, furniture, fixtures and supplies purchased with funds and monies paid by the RAAPOA to the City pursuant to this

Agreement shall be and become assets and property of the City immediately upon the purchase or other acquisition of such assets or property.

Section 4. Entire Agreement. This Agreement embraces the entire agreement between the parties hereto and no statement, remark, agreement, or understanding either oral or written, not contained herein shall be recognized or enforced, except that this Agreement may be modified by a written addendum by and between the City and the RAAPOA. Effective as of the date of the execution of this Agreement by both parties, all other contracts, agreements and leases by and between the City and the RAAPOA are cancelled.

Section 5. Miscellaneous. (a) For the purpose of this Agreement, the singular number shall include the plural and the masculine shall include the feminine and vice-versa, whenever the context so admits or requires.

(b) The captions and headings are inserted solely for convenience of reference and are not part of nor intended to govern, limit, or aid in the construction of any provision hereof.

(c) The parties to this Agreement acknowledge and agree that they are the principals to the Agreement and have the power, right, and authority to enter into this Agreement and are not acting as an agent for the benefit of any third party.

(d) This Agreement shall be governed by the laws of the State of Texas and construed thereunder and venue of any action brought under this document shall be in Travis County, Texas.

(e) If any section, paragraph, sentence, or phrase entered in this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, such illegality or unenforceability shall not affect the remainder of this Agreement which can be given effect without the illegal or unenforceable section, paragraph, sentence, or phrase and to this end, the provisions of this Agreement are declared to be severable.


(f) The recitals hereinabove are incorporated herein and made a part of this contract.

(g) Save and except for conduct, e.g. intentional wrongful action, that may not be insured against, or that is commonly excepted from insurance coverage, the City shall be solely responsible for any liabilities or claims that may arise from or with respect to the performance, or non-performance, of the duties and responsibilities of the Parties with respect to the operation and maintenance of the Airport; provided that this provision shall not be construed to create, establish or support any benefit, right or claim for or on behalf of any third party. This provision is solely for the benefit of the City and the RAAPOA.

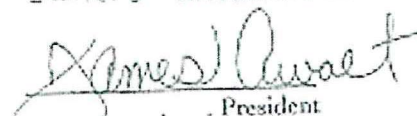
and the City will obtain and maintain such liability insurance or risk pool coverage as the City finds necessary and reasonable to insure the City and its officers and employees against any claim or cause of action arising out of the operation and maintenance of the Airport.

EXECUTED and effective, as of the 1st day of July 2009.

City of Lago Vista, Texas
Owners


Randy Kruger, Mayor

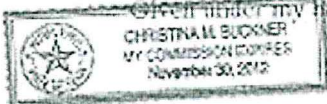
Rusty Allen Airport Property
Owners Association, Inc.


James Awaft, President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me Christina M. Buckner on this day personally appeared Randy Kruger, Mayor, City of Lago Vista, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of the City of Lago Vista, Texas for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25 day of March, 2010.

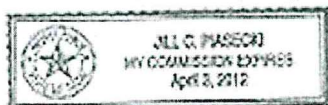


Christina M. Buckner
Notary Public

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me Jill C. Piascecki on this day personally appeared James Awalt, President, Rusty Allen Airport Property Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of RAA-POA for the purposes and consideration therein expressed.

Given under my hand and seal of office this 24th day of March, 2010.



Jill C. Piascecki
Notary Public

Return filed document to:
RAAPOA
20617 Highland Lake Loop
Lago Vista, TX 78645

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2010 Apr 14 11:15 AM 2010061135

CLARK/PM \$26.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS



FUNDING COMMITMENT AGREEMENT FOR THE RUSTY ALLEN
AIRPORT BETWEEN THE CITY OF LAGO VISTA, TX AND RUSTY ALLEN AIRPORT PROPERTY
OWNERS ASSOCIATION, INC.

STATE OF TEXAS

COUNTY OF TRAVIS

This Funding Commitment Agreement (the "Agreement") for the Rusty Allen Airport is entered into and effective as of the last day of February, 2019, by and between the City of Lago Vista, Texas, a Texas home-rule municipal corporation (the "City"), as the owner and sponsor of the Rusty Allen Airport (the "Airport"), and the Rusty Allen Airport Property Owners Association, Inc., a Texas not-for-profit corporation ("RAAPOA"), who hereby contract, covenant, and agree as follows:

Whereas, the City of Lago Vista is the owner, sponsor, and operator of the Rusty Allen Airport, located in the County of Travis, State of Texas, with the power to grant rights and privileges with respect to the Airport, pursuant to the provisions of the Texas Code, among other federal, state, and local laws, rules and regulations; and

Whereas, the Rusty Allen Airport Property Owners Association represents owners who own real property adjacent to the physical property of the Airport; and

Whereas, the RAAPOA members are granted in their Covenants, Conditions, and Restrictions document the non-exclusive right, subject to the rules and regulations adopted from time to time by local, state, and federal agencies asserting jurisdiction, to conduct aircraft take-offs and landings upon the Runway owned, sponsored, and operated by the City; and

Whereas, the City and RAAPOA entered into the Funding Commitment and Agreement for the Rusty Allen Airport dated March 1, 1999; and

Whereas, the Funding Commitment and Agreement dated March 1, 1999 expired on February 28, 2009; and

Whereas, the amended Funding Commitment and Agreement dated February 1, 2009 is set to expire in February 2019; and .

Whereas, the parties desire to enter into this Agreement to comply with the FAA Modernization and Reform Act of 2012 (P.L. 112-95) section 136, and Texas Department of Transportation (TXDOT) Aviation guidelines, that permits general aviation airport sponsors to enter into agreements with property owners or associations representing property owners provided these agreements comply with certain conditions set forth in this Agreement; and

Whereas, the City and the RAAPOA have discussed and agreed that the City will be responsible for all services provided at the airport.

NOW THEREFORE, for and in consideration of the foregoing, together with other good and valuable consideration, the terms, conditions, and mutual covenants listed in this Agreement:

Article 1.

Consideration and Services by City

Section 1. Airport Operation and Management. The City has established and provided for the operation and management of the Airport. The City shall continue to fund and provide for the operation, management, and continuation of the Airport as found appropriate from time to time, by the City Council of the City.

Subject to annual appropriations, the City agrees to provide the following services under normal conditions precluding the occurrence of any catastrophic event including but not limited to:

1. Maintaining City owned runways, taxiways, airplane parking ramps, and car parking lots in an operable condition;
2. Mowing the grass on the City owned airport property in accordance with city codes;
3. Maintaining and keeping all lighting in an operable condition to include runway lights, rotating beacon, PAPI (precision approach path indicator) and ramp lighting in accordance with FAA standards for day, night VFR and IFR conditions and pay for the electricity to operate same;
4. Maintaining the AWOS (Automatic Weather Observing System) in an operable condition and all associated equipment and paying for the electricity and telephone service to operate same. In addition, keep and pay for the AWOS maintenance agreement with TX DOT; and
5. Maintain drainage on City owned airport property in an operable manner.

Section 2. Capital Improvements. The City may, as appropriate in the judgment of the City Council, from time to time seek state and federal grants for improvement of the Airport.

Article 2.

Consideration and Performance by the RAAPOA.

Section 1. Cancellation of Agreements. The RAAPOA agrees the City's cancellation of the Lease and the O&M Agreement, and previous funding agreements were material benefits to the RAAPOA and continue as good and sufficient consideration for the promises, covenants, agreements, and commitments by the RAAPOA pursuant to this Agreement. The RAAPOA further agrees the modifications and amendments made to the First Agreement, and subsequent agreements by this Agreement are good and sufficient consideration for this Agreement.

Section 2. Operating Payments to City. The RAAPOA shall, annually during the term of this Agreement, assess and collect funds and dues from its property owners sufficient for RAAPOA to pay the annual fee provided in Section 3 to be paid by RAAPOA to the City.

Section 3. Annual Maintenance Fee. Based on current membership numbers, the RAAPOA shall pay the City the sum of Twenty-three Thousand Four-Hundred (\$23,400) (the "Annual Maintenance Fee") on or before July 1st each year during the term of this Agreement. Such fee shall be used by the City to fund and pay a portion of the annual operating and maintenance expenses of the Airport, runways, and taxiways, as described in Article 1. City will assess a late penalty of \$25 for every day RAAPOA fails to remit payment 7 calendar days after the payment date described above.

The fee is based on a portion of the rates and charges of other on-airport tenants and operators making similar use of the airport. For the purposes of this agreement, the fee is based on a portion of the tie-down rental fee which is \$50/month. The City and the RAAPOA recognize that the City has annual expenses to maintain the airport and that the intention of these fees is to provide for a portion of those annual operating expenses.

Section 4. Cost of Improvements. Nothing herein, shall preclude the City from funding Capital Improvement on or around the Airport which are not supported by grants or that may be funded in entirety by the City; however, all Capital Improvements undertaken at the Airport are subject to the approval of the City. Notwithstanding the foregoing, RAAPOA shall not be directly responsible for the funding of Capital Improvements unless said improvements are agreed to in writing to be directly funded by RAAPOA in advance of initiation of same.

Section 5. Collection of Funds. The RAAPOA shall, during the term of this Agreement, use all reasonably available lawful means, including but not limited to filing suit, enforcement of liens, foreclosure and denial of membership privileges, to collect from its members funds sufficient to meet its obligations pursuant to this Article 2. RAAPOA shall make assessment on each property within RAAPOA, said assessments shall be levied and collected pursuant to RAAPOA CCRs, the Bylaws and all amendments thereto.

Section 6. Construction and Maintenance of Private-Use Infrastructure: It is understood and agreed that each individual RAAPOA member property shall construct all private-use infrastructure, required and acceptable to the City, at individual property owner's sole cost and expense. Accordingly, RAAPOA and its members covenant and agree as follows:

a. To construct the private-use infrastructure on the individual RAAPOA member's or City's property as may be required. All construction on City property must be approved by City prior to the commencement of construction. During the term of this agreement, the individual RAAPOA members shall also be solely responsible for all maintenance (snow removal, utility costs, turf or pavement maintenance, pavement markings, etc.) of said private-use infrastructure and shall at all times maintain it in good repair.

b. Notwithstanding anything herein contained to the contrary, RAAPOA members expressly agree to pay any and all costs associated with private-use infrastructure required by the City for accessing the taxiway and runway systems.

Section 7. City Owned Lots: Any lots purchased by the City will not be subjected to the annual RAAPOA property dues. Per the annual meeting on 24 March 2018, action was taken to remove City owned/purchased lots from the RAAPOA. Should city decide to sell said lots in the future, lots will be required to be added back to the RAAPOA.

Article 3.

Notification of Business and Prohibitions

Section 1. Commercial Aeronautical Uses with Registration:

Any RAAPOA member seeking to engage in any temporary or permanent commercial aeronautical activity on the land owned by the RAAPOA member shall be required to place on file with the City the Rusty Allen Airport Business/Land Use Information Form. This form is included herein as EXHIBIT A of this Agreement.

City recognizes established zoning ordinances that permit specific residential and/or commercial uses within specific zones at the Airport.

City acknowledges there may be commercial leases of RAAPOA member property and requests commercial tenants enter into individual Through the Fence (TTF) Agreements with the City. Individual RAAPOA members agree to inform tenants of a TTF Agreement requirement by City and will not be held responsible for the administration of, nor for non-compliance, by tenants.

Section 2. Sale of Aviation Fuels Prohibited: RAAPOA shall not permit any person or entity to sell aviation fuels on land owned by RAAPOA described herein above which the City is already providing.

Section 3. Prohibitions and Restrictions on Access: The RAAPOA is specifically prohibited from granting or selling any access/egress to the Airport through the aforementioned property to any other properties. This restriction also includes the RAAPOA members taking reasonable precautions acceptable to the City to prevent the accidental access to the Airport by vehicles, pedestrians, pets, etc., should the city choose to secure the remaining perimeter of the Airport property in the future.

Article 4.

General Provisions.

Section 1. Term: The term of this Agreement shall be sixty (60) months beginning upon the last day of February 2019 and expiring at 12:00 P.M. local time on the last day of February 2024, and for successive like periods unless terminated with written notice by either party served ninety (90) days before the end of the current term. The parties hereto shall work diligently annually to reconcile an adjustment to the Annual Maintenance Fee, however any adjustment shall not be increased more

than a percentage equal to the percentage increase, if any, in the Consumer Price Index (as hereinafter defined) published in the month of March of each year. As used herein, the term "Consumer Price Index" shall mean the Consumer Price Index for the group labeled "Urban Wage Earners and Clerical Workers" in the table entitled "Consumer Price Index: United States City Average" published from time to time by the United States Department of Labor, Bureau of Labor Statistics.

Section 2. City Funding: Any and all funding by the City of Lago Vista under this agreement is subject and limited to annual appropriations as approved by the City Council. If for any fiscal year the City does not appropriate funds sufficient in the judgment of the City Council to perform the City's obligations under Article 1, Section 1, and the RAAPOA may terminate this Agreement.

If the City materially reduces or does not provide the services listed in Article 1, Section 1, the Annual Maintenance Fee as defined in Article 2, Section 3, shall be amended accordingly.

Section 3. Airport Property: All property, real or personal, and all assets, equipment, furniture and fixtures presently or hereafter located on the grounds and City owned property of the Airport shall, as between the City and the RAAPOA, be and remain the property of the City. All assets, equipment, furniture, fixtures and supplies purchased with funds and monies paid by the RAAPOA to the City pursuant to this Agreement shall be and become assets and property of the City immediately upon the purchase or other acquisition of such assets or property.

Section 4. Entire Agreement: This Agreement embraces the entire agreement between the parties hereto and no statement, remark, agreement, or understanding either oral or written, not contained herein shall be recognized or enforced, except that this Agreement may be modified by a written addendum by and between the City and the RAAPOA. Effective as of the date of the execution of this Agreement by both parties, all other contracts, agreements and leases by and between the City and the RAAPOA are cancelled.

Section 5. Termination of Agreement.

(a) The City, at its option, may declare this Agreement terminated in its entirety upon the happening of any one or more of the following events and may exercise all rights related to the termination of this Agreement:

(1) The RAAPOA Annual Maintenance Fee outlined in Article 2, Section 3, or any part thereof, are unpaid for 30 days, or

(2) If RAAPOA shall file a voluntary petition in bankruptcy, or make a general assignment for the benefits of creditors, or if the RAAPOA is adjudicated as bankrupt, or RAAPOA otherwise assigns or attempts to assign its interest herein without the required prior written consent of City; or

(3) If RAAPOA shall use or permit the use of the RAAPOA's premises at any time for any purpose which is not authorized by this Agreement, or if RAAPOA shall use or permit

the use thereof in violation of the law, rule or regulation (including the Airport Rules and Regulations), to which the RAAPOA has agreed to conform; or

(4) RAAPOA fails to meet any term or condition of this agreement.

(b) Notice of Default: If the RAAPOA shall default in the performance of any other term of this Agreement (except the payment of fees), then the City shall send to the RAAPOA a written notice of default, specifying the nature of the default, and RAAPOA shall, within thirty (30) days after the date of the notice, cure and remedy the default, and this Agreement shall then continue as before.

(1) If the RAAPOA shall fail to timely cure and remedy such default, the City shall have the right to declare, by written notice to the RAAPOA, that the RAAPOA is in default, and to use all remedies available to the City under this Agreement. However, if by its nature, such default cannot be cured within such thirty (30) day period, such termination shall not be effective if the defaulting party commences to correct such default within said thirty (30) days and corrects the same as promptly as reasonably practicable.

(2) Termination of this Agreement for non-payment of fees to City by RAAPOA shall not become effective until after the expiration of fifteen (15) days written notice thereof by City to RAAPOA and RAAPOA fails to pay all monies owed fully within said period.

Section 6. Miscellaneous.

(a) For the purpose of this Agreement, the singular number shall include the plural and the masculine shall include the feminine and vise-versa, whenever the context so admits or requires.

(b) The captions and headings are inserted solely for convenience of reference and are not part of nor intended to govern, limit, or aid in the construction of any provision hereof.

(c) The parties to this Agreement acknowledge and agree that they are the principals to the Agreement and have the power, right, and authority to enter into this Agreement and are not acting as an agent for the benefit of any third party.

(d) This Agreement shall be governed by the laws of the State of Texas and construed thereunder and venue of any action brought under this document shall be in Travis County, Texas.

(e) This agreement shall be nonexclusive and shall at all times be subordinate to the provisions of any existing or future agreements between the City of Lago Vista and the United States Government, or to any order issued by the United States Government, or to any grant assurances of the Airport, or to any of the Airport's or the Owner's Federal obligations.

(f) If any section, paragraph, sentence, or phrase entered in this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, such illegality or unenforceability shall not affect the remainder of this Agreement which can be given effect without the illegal or unenforceable section, paragraph, sentence, or phrase and to this end, the provisions of this Agreement are declared to be severable.

(g) The recitals herein above are incorporated herein and made a part of this contract.

(h) Save and except for conduct, e.g. intentional wrongful action, that may not be insured against, or that is commonly excepted from insurance coverage, the City shall be solely responsible for any liabilities or claims that may arise from or with respect to the performance, or nonperformance, of the duties and responsibilities of the Parties with respect to the operation and maintenance of the Airport; provided that this provision shall not be construed to create, establish or support any benefit, right or claim for or on behalf of any third party. This provision is solely for the benefit of the City and the RAAPOA, and the City will obtain and maintain such liability insurance or risk pool coverage as the City finds necessary and reasonable to insure the City and its officers and employees against any claim or cause of action arising out of the operation and maintenance of the Airport.

EXECUTED and effective, as of the 21st day of February, 2019.

City of Lago Vista

Rusty Allen Airport Property Owners Association



Mayor, Ed Tidwell



President Donald A. Barthlow

ATTEST:





City Secretary



Development Services

Aviation Division

5803 Thunderbird Street PO Box 4727
Lago Vista, TX 78645

Office: 512-267-5259

Fax: 512-267-5265

E-mail: development@lago-vista.org

Rusty Allen Lago Vista Airport Business / Land Use Information Form

The location includes a (mark all that apply):

Hangar _____

Business _____

Residence _____

NOTE: BUSINESSES ARE REQUIRED TO PAY A ONE-TIME FEE OF \$25.00. HANGARS AND RESIDENCES ARE EXEMPT. RENEWALS ARE NOT REQUIRED EXCEPT PURSUANT TO A CHANGE IN BUSINESS OWNERSHIP, INFORMATION OR LOCATION.

Site Information:

Street Address: _____; Street Name: _____; or

Lot: _____ Section: _____ Subdivision: _____

Contact Information:

Owner or tenant name: _____

E-mail: _____

Telephone: _____

Postal Address*: _____

* Address, Street, City, State, Zip Code, Country (If outside U.S.A.)

Please list, provide the telephone number and describe each separate business in the space below:

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT

Property Owner or Tenant Signature

Date

Questions for Dan Harmon
Of TxDoT Aviation
Pertinent to the TTF Agreement with the RAAPOA
And the Issue of Grandfather Under Section 185 of the FAA Modernization Act
Kevin Sullivan and Tracie Hlavinka meet with
Dan Harmon and Stephanie Kleiber of TxDoT Aviation
December 20, 2023

- 1.) Since I'm just beginning my term as mayor and I've not spoken to you before, I'd like to ask a few housekeeping questions. First, I've been told that you, TxDoT Aviation, and the FAA prefer to speak with just the mayor and city manager. Is that correct and is that what you would like to continue? *Yes, when it comes to policy, he definitely wants to be involved and wants to talk with decision makers at CoLV. I described to him that the council will decide as a whole, but that Tracie and I can be representatives of the city on policy.*
- 2.) Our council has anointed one of our council members to work on the issue of the agreement with the RAAPOA with our attorney and TxDoT Aviation. I believe he has been on calls in the past. Are you OK continuing that practice? *He is totally fine with Rob (or any other council appointed designee) sitting in on conversations about policy or any other topic deemed appropriate by our council concerning the airport.*
- 3.) We've received the communication from Kevin Willis of the FAA regarding the grandfathering possibility for RAA under section 185. It seems definitive that the FAA does not intend to grant the request. Do you see any prospect of that changing? He does NOT see the FAA changing their decision. *He went on to say that he felt the decision making by the FAA was sound although he did feel the communication was more snarky than it needed to be.*
- 4.) Is TxDoT Aviation's opinion any different from the FAA? Is there anything we can work out differently with you? *He said he can not wave a magic wand and render a different result.*
- 5.) If so, how would we approach that? *N/A TxDOT is becoming less involved in compliance issues than they have been in the past. The fact that Headquarters, as Dan referred to them, denied grandfathering 3 times means there is a strong reason to believe it will not be overturned.*
- 6.) If not, what suggestions do you have for us in dealing with the RAAPOA?
 - a. *All these options were provided by Dan and Stephanie and were done so in the context of "let's not ignore any possibility." None were specific recommendations. All are possibilities, regardless of the likelihood of success.*
 - b. *Option 1, get to a compliant agreement with the RAAPOA. We discussed the change in the recent FAA letter that only restricted commercial businesses to those that conflicted with on-airport businesses as an opening to getting to an agreement all could get behind. He liked that and seemed optimistic about it. He said we could draft it and send it to him for review prior to trying to execute.*
 - c. *Option 2, we request to leave NPIAS which would relieve us of federal obligations, and we just deal with the state. Obviously, we need to talk to the RAAPOA to see if this has any drawbacks in their minds. It sounds as if any federal dollars we might have to repay would be minor. This also saves us trouble related to the runway repaving. See the general comment below for a discussion of that topic. One issue we might have to continue to deal with the feds on would be the Instrument Approach. They alone regulate that and if we wanted to keep that, we would have to deal with them on*

that. Again, this is an issue to discuss with RAAPOA to understand the best approach on that topic.

- d. Option 3, sell the airport. The private owners could do what they wanted with the airport and not have to worry about the feds. They would be responsible for finding funding for repairs, maintenance, and enhancements. Could they still get that funding through the state and feds? Unknown and completely up to them to fight for. Dan also appeared to indicate that the acquirer of the airport would be the one on the hook should the state or feds come asking for previously granted funds.*
- 7.) As we move through time, beyond the expiration of our current agreement, what are the possibilities that the FAA and/or TxDoT Aviation come after the city for the repayment of funding previously provided? How can we best avoid that? *This answer was helpful. He said that there is little federal funding and what is out there is 18 years old and about to expire. His opinion is those monies would not be chased after by the feds. We did spend considerable sums in the 2016-2018 timeframe acquiring property up at the airport. The one lot on the east side was about \$140K and the two on the west side totaled about \$450K. We used our NPE money on those purchases and that is money that they could come back after. He made it sound as if that was state funding and that it isn't totally certain they would come after it. If they did, it would be around \$500K as we put up 10% on those purchases. I left this part of the conversation thinking the feds or the state coming after us for previously provided funds is not a high probability.*
- 8.) What are our prospects for getting funding turned back on without an agreement with the RAAPOA? *We are continuing to receive RAMP grants and we would be eligible for money directed to safety issues. We are shut off from the \$150K a year NPE funds (see Update below of conversation with Ben Breck to see an alternate view on this matter) and of course, are shut off from any potential big project funding (like building a hanger for the operation of an FBO on the 2 west side properties). It was interesting, he made the comment that he has funds he would love to throw at us, but he cannot because of our current situation. Dan mentioned checking to see if the FAA was holding our NPE funds because he showed us being funded in the system since we were listed as a Local airport for 2023.*
- 9.) If we do not come to an agreement, and the FAA/TxDoT Aviation do decide to try to reclaim funds previously paid out to us, could we close the airport and would that end our obligations for repayment? I thought I read somewhere that once an airport ceases operation, a sponsor's obligations also cease, is that a possibility? *He said closing an airport is much like option 2 above in getting out of NPIAS. It would be the same process, so it probably doesn't make much sense as an option. Given that he also downplayed the likelihood of either the feds or the state coming after us from previously granted funds, it seems like we should dismiss a closure as an option and focus on the three Dan gave us.*

General topic about the runway repave/reconstruction:

Dan and Stephanie talked about the runway restoration project and gave us a serious issue to consider.

First, some background. At our airport, the runway width does not meet current FAA standards. It would need to be wider to meet their standards. In addition, the hangers are too close to the taxiways and runway.

When we move towards a runway restoration project, the work that is done can be categorized as just repaving or as reconstruction. If we just need to repave, then we do not have to bring our airport into line with current FAA standards. If we have to tear up any base, even a yards worth, we will be doing reconstruction and not just repaving. Dan and Stephanie indicated the chances some reconstruction will be necessary is high. If we do have some reconstruction, then the entire airport would have to come into compliance with federal standards. Dan indicated asking for waivers is possible, but he almost immediately dismissed that as an option. It might have something to do with the level/number of waivers we would have to request.

The upshot of this news is we may want to seriously consider moving towards an option 2 or 3 solution. The reason being, conformity with federal standards would turn a normal repaving project of about \$3M into a \$30M project with a complete reconfiguration of the runway width, taxiways, and purchase of property along the edge of the airport to accommodate the changes. Something tells me the RAAPOA would not like that option.

So, what might make sense is we see if we can use Option 1 if we can come to an agreement with the RAAPOA for a 5-year period. Then, we use the 5 years to craft a longer range solution that heads us towards an Option 2 or Option 3 solution.

Meeting with Ben Breck

December 28, 2023

General Rusty Allen Airport Update from TxDOT Aviation

- 1.) I'd like to get a better understanding of what funding we are still receiving and what has been turned off. In the discussion with Dan last week, it sounds like our RAMP grant funding is still on-going and safety issues would still be funded as issues arose. Is that correct? That would leave NPE and major projects. I assume those are turned off? Are NPE funds still accumulating we just can't access them? *Can still get NPE funds, we are accumulating at \$150K a year. Some COVID funds are available as well and we have taken advantage of that. RAMP up to \$100K a year are available and should remain that way.*
- 2.) How is coordination between TxDOT Aviation and our staff? Is communication good there? Anything we could improve? *Coordination and communication has been good. Jonathan has been good.*
- 3.) Anything else you would like to communicate? *He recommended we get a piece of equipment (on lease or subscription in the range of \$6K a year that is 90% covered by ramp funds) that tracks all incoming and outgoing*

aircraft, so we have a good feel for traffic at our airport. He will send me info on two vendors that offer solutions in this space.

- 4.) Off the wall question. Can murals be painted on the fuel tank? *Yes, he did not see any problem with that as long as we do not cover up safety and other communication on the tank.*

Questions for TxDoT Aviation
Pertinent to the Letter of Interest
Outlining Desired Capital Improvement Projects
And Consequences of a Runway Reconstruction Project
Kevin Sullivan, Rob Durbin, and Taylor Whichard met with
Dan Harmon, Ben Breck, and Stephanie Kleiber of TxDoT Aviation
December 16, 2024

- 1.) What steps do we need to take to move forward with the projects outlined in our letter of interest? Specifically, the design project for the runway repaving construction project?

They informed us that they legally cannot program the design project. To program the design project, they also must program the accompanying construction project. Since we have no agreement between us and the RAAPOA, there is no federal money for the construction project and without funding, they cannot program them. They can't program a design-only project. There was discussion with Dave Fulton and Kari Campbell that there might be close to enough money in all the funds Ben wrote to us about, but Dan, Ben, and Stephanie clearly stated this would be an expensive project and the funding did not exist without federal participation. So, as of now, no movement forward with programming the runway design project is possible.

- 2.) We also want to know if the PAPI and AWOS projects are in motion or if there is anything we need to do about getting those moving?

The AWOS project is programmed for 2026 with state funding.
The PAPI lighting project requires a few things. Ben was going to research and send us that information so we can make sure that project continues to move forward.

- 3.) Let's discuss the issue of the runway repaving. Dan and Ben have both voiced to us that any need to reconstruct base material in our runway will trigger the need for our airfield to come into all the applicable federal guidelines for setbacks and other requirements. Jim Awalt arranged for Dave Fulton, Kari Campbell, and Tom Hart to come visit us and discuss the design work and eventual construction project to repave the runway. They all voiced ignorance of this requirement and said it wasn't a requirement. For Dan, Ben, and Stephanie: Can you help us understand what is and is not something we will need to comply with if we move through a repaving project and we find the need to reconstruct base material?

All three of them reinforced that reconstruction of the runway base material would trigger the need to come in compliance with federal requirements. It is a requirement. Taylor asked about an alternative method of paving that might skirt the requirement and Stephanie responded that they tried that and were unsuccessful. Taylor asked about how much reconstruction would trigger the compliance requirement. Stephanie said that it wasn't an all or nothing, but that more than just a minor amount of reconstruction would trigger the compliance requirements. She went on to say that her understanding already was we will need more than just a minor amount of base reconstruction. Taylor's inspection a few weeks ago led him to a similar conclusion. It was also apparent that there would be no hiding of the amount of base reconstruction from TxDOT aviation.

During the conversation, Rob mentioned that the section 185 exemption would solve many problems. If the CoLV was able to achieve the 185 grandfathering, it would solve the issue of needing a signed agreement between the CoLV and the RAAPOA that met section 136 requirements. Hopefully, that would also solve the funding problems for the runway construction project. The Design and Construction projects for the runway could be programmed, but that might be in the 2028 timeframe according to Stephanie.

Both Stephanie and Dan mentioned that they felt the section 185 grandfathering was not likely to be granted given what they have heard. Dan suggested that if we want to take another swing at applying for such an exemption, it be done after the administration change.

The issue is that the section 185 grandfathering would not solve the setback compliance issues related to a runway reconstruction project. They were adamant that such a requirement exists, and more than minor base reconstruction would trigger setback and other requirements that we could not comply with. Thus, the repeated suggestion that we consider an exit of the NPIAS system and just work with the state folks.

CITY OF LAGO VISTA, TEXAS

RESOLUTION 24-2056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS DESIGNATING COUNCILPERSON ROB DURBIN NEGOTIATOR IN PURSUIT OF RAAPOA MAINTENANCE FUNDING RESOLUTION AND THE FAA SEC 185 EXEMPTION ACCORDING TO THE 2018 AMENDMENT TO U.S.C. 49 U.S.C. 47107(s)

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF LAGO VISTA, TEXAS:**

THAT, the City Council of the City of Lago Vista, Texas would like to continue the good relationship it has had with the Rusty Allen Airport Property Owners Association (RAAPOA) regarding the RAAPOA's contributions to assist in the support of the maintenance and cost of Rusty Allen Airport; and

THAT, the City Council of the City of Lago Vista, Texas believes that a misunderstanding has led to the denial of an exemption created under 2018 Reauthorization Act §1985 Section 185 amendment to U.S.C. 49 U.S.C. 47107(s); and

THAT, the City of Lago Vista has never owned, nor had the ability to control or grant, alter or waive property rights of RAAPOA deeded properties, specifically the permanent airport access easements granted by the developer of the airport to the RAAPOA members; and

THAT, the City of Lago Vista is not the declarant, as that term is defined in the conditions, covenants and restrictions filed of record in the Travis County Real Property Records dated May 8, 1990 (hereinafter the "CC&R's") and cannot change, order, or modify the airport access easements granted to the RAAPOA member properties within the CC&R's; and

THAT, those CCR's clearly state that access to the runway and taxiways are granted to any property subject to the RAAPOA at the time of their filing May 8, 1990; and

THAT, those CC&R's pre-date FAA's Section 136 of the Airport Modernization and Reform Act of 2012; and

THAT, those CC&R's, specifically grant access to the publicly owned runways and taxiways and have not been modified since their inception on May 8, 1990, prior to the City's acquisition of the airport; and

THAT, those CC&R's are perpetual in nature; and

THAT, the City understands that its current or previous funding agreements with the RAAPOA are not access agreements and make no mention of the POA's legal and perpetual rights of access to the airport or change the access granted under the CC&R's; and

THAT, the RAAPOA properties are subject to terms set forth in the granting access to the runways and taxiways in the CCR's associated with that deed that are perpetual in nature; and

THAT, there is no reasonable expectation that existing deeded property owners with access to the runway and taxiways will modify their existing rights concerning their RTTF access at the RYW airport.

THAT, Lago Vista meets the statutory requirements of the exemption provided in Section 185,

THAT, the City recognizes that any changes to current airport access of adjacent properties within the RAAPOA would require extensive and overwhelmingly costly legal proceedings for the City to become compliant with the FAA's 2012 Section 136 criteria; and

THAT, the City through the previous maintenance agreements with the RAAPOA had already achieved the goal of Section 136 of the Airport Modernization and Reform Act of 2012 in that the residences bordering the airport (the RAAPOA properties) who have through the fence access have been paying their fair share of the airport maintenance expenses since the airport was acquired by the City from them; and

THAT, in recognition of the property rights of the RAAPOA property owners subject to the 1990 grant of access, to restart funding to this invaluable public airport and to avoid the overwhelming legal expenses, the City recognizes the need for, and the clear value of the FAA's 2018 Section 185 Exemption which conditions have met; and

THAT, the three agreements which the FAA refers to as "modifying the access agreement" do not in fact modify access to the runway or taxiways, nor do they modify the access of the RAAPOA owners thereto, and

THAT, the City was not a party to the CCR's nor was it involved in participating in negotiations thereto.

THAT, In Texas only the declarant or the members of a POA can initiate changes to the CCR's which has never happened.

THAT, the City attempted to satisfy the FAA by entering into an agreement which had in its recitals that it was attempting to comply with the FAA Modernization and Reform Act of 2012, however they could not meet all those requirements for the reasons stated above and they were unaware of the 2018 act acknowledging the exemption to which they were entitled, and

THAT, the City Council directs City Councilperson Rob Durbin to oversee interaction between the City and the FAA Office of Airport Compliance and Management Analysis for the purpose of pursuing the airport's Section 185 Exemption; and

THAT, the City Council directs City Councilperson Rob Durbin to oversee interaction between the City and the RAAPOA for the purpose of drafting to a new resolution for RAAPOA maintenance funding support subject to City Council approval; and

THAT, the City directs its Airport Advisory Board, with guidance from Council Liaison Rob Durbin to draft documentation to the FAA on behalf of the City which, following approval by City Council, would request acknowledgment from FAA Compliance Management that the Section 185 Exemption does apply and should be granted to the City's Rusty Allen Airport for properties within the POA that contain said deed restrictions.

AND IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of April 2024.

On a motion by Councilor Durbin, seconded by Councilor Roberts, the above and foregoing resolution was passed and approved by a vote of 5-1 with one member absent from the vote.

Kevin Sullivan, Mayor



Chelaine Marion, Mayor Pro Tem (Council Place 4)



Shane Saum, Council Place 1

Stephanie Smith, Council Place 2



Rob Durbin, Council Place 3



Paul Roberts, Council Place 5



Paul Prince, Council Place 6

ATTEST:



Lucy Aldrich, City Secretary



RESOLUTION 25-2116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS DESIGNATING CITY'S AIRPORT ADVISORY BOARD COUNCIL LIAISON AND AIRPORT ADVISORY BOARD CHAIRPERSON AS SOLE REPRESENTATIVES ON MATTERS RELATED TO RUSTY ALLEN AIRPORT REGULATIONS AND FUNDING

WHEREAS, the City of Lago Vista created confusion with TxDOT and FAA by conflating the Rusty Allen Airport Property Owners Association (RAAPOA) voluntary maintenance funding agreement with a compulsory agreement whereby private landowners pay for access to the City's airport taxiways and runways; and

WHEREAS, that confusion resulted in FAA (a) acknowledging that the City meets the statutory requirements of FAA's exemption provided in P.L. 115-234, Section 185, but (b) due to the City's assertion of an agreement from airport adjacent landowners, which requires payment for airport access, alleged agreement having been modified since FAA's Modernization and Reform Act of 2012, therefore (c) the City is required to comply with all other requirement of the FAA Modernization and Reform Act of 2012, Section 136 related to residential through the fence (RTTF) access (letter from Kevin D. Willis, FAA Director, Office of Compliance and Management Analysis, dated September 6, 2023), and

WHEREAS, on the last day of February 2024 the RAAPOA voluntary maintenance funding agreement expired without concurrence for reinstatement, potentially costing the City approximately twenty three thousand dollars (\$23,000 USD) annually; and

WHEREAS, following expiration of the RAAPOA voluntary maintenance funding agreement, it has become clear to the City that:

- (a) as stated in Resolution 24-2056, the City of Lago Vista has never owned, nor had the ability to control or grant, alter or waive property rights of RAAPOA perpetually deeded properties, specifically the permanent airport access easements defined in the Conditions, Covenants and Restrictions filed of record in the Travis County Real Property Records dated May 8, 1990 (hereinafter the "CCR's");
- (b) the City cannot change, order, or modify the airport access easements granted to the RAAPOA member properties within the CCR's;
- (c) the CCR's clearly state that access to the taxiways and runways are granted to any property subject to the RAAPOA at the time of their filing May 8, 1990;
- (d) the CCR's pre-date FAA's Section 136 of the Airport Modernization and Reform Act of 2012;

- (e) the CCR's, specifically, grant access to the publicly owned taxiways and runways and have not been modified since their inception on May 8, 1990, prior to the City's acquisition of the airport;
- (f) the CCR's are perpetual in nature;
- (g) the City understands that RAAPOA's voluntary maintenance funding agreements are not access agreements. The voluntary maintenance funding agreements make no mention of the POA's legal and perpetual rights of access to the airport or attempt in any manner to change the access granted under the CCR's; and

WHEREAS, by Resolution 24-2056 the City Council directs City Council AAB Liaison (Councilperson Rob Durbin) to oversee interaction between the City and the FAA Office of Airport Compliance and Management Analysis for the purpose of pursuing the airport's Section 185 exemption; and

WHEREAS, other members of the City have continued to engage TxDOT and FAA creating a risk of perpetuating confusion on matters related to the Rusty Allen Airport; and

WHEREAS, Resolution 24-2062 states "Mayor Sullivan was directed to not represent to TxDOT or the FAA that he is speaking on behalf of the City regarding matters related to the airport...". Said resolution passing by a vote of 5 to 1.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS THAT:

1. All Rusty Allen Airport matters related to funding or regulatory issues, whether local, state or federal, shall be represented solely by the City Council AAB Liaison, currently councilman Rob Durbin, or his authorized delegate, and the AAB Chairman, currently Stephen Lowry, or his authorized delegate.
2. These two representatives serve at the pleasure of the City and will abide by the City Charter under the direction of City Council.
3. The representatives serve in their respective capacities as City Council AAB Liaison and AAB Chairperson. In due course Council may nominate others to serve in the capacity of AAB Liaison, and in due course the Airport Advisory Board may nominate others to serve in the capacity of AAB Chairperson. The responsibilities conveyed herein shall automatically transfer to whomever occupies those appointed positions at the time of appointment, whether the appointment is for a temporary period of time, in an acting capacity, or for a full appointed term. No further action is required by the City Council to affect the transfer of responsibilities.
4. The City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson to engage with TxDOT and FAA to resolve existing confusion related to the Section 185 exemption. Said resolution will result in written acknowledgement from FAA, in a form acceptable to TxDOT that the Rusty Allen Airport is exempt as stated in Section 185.
5. The City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson to resolve obstacles related to the RAAPOA's voluntary maintenance funding agreement.

Said resolution will result in a final draft maintenance funding agreement for City Council review, discussion, and vote, and the Mayor's execution on behalf of the City.

6. The City of Lago Vista further authorizes the AAB Council Liaison and AAB Chairperson to engage with local, state, and federal stakeholders, third parties, and agencies to pursue funding and address regulatory matters for the airport's continued safe public use. All such engagements shall comply with the City Charter. All formal actions will be presented to City Council for review and concurrence, then executed by the Mayor according to the City Charter.
7. Finally, the City of Lago Vista authorizes the AAB Council Liaison and AAB Chairperson, or their delegates to report to City Council any unauthorized member of the City, whether staff person, elected official, or resident, engaging independently with local, state or federal stakeholders, third parties, or agencies in a manner suggesting the person or party represents the City of Lago Vista. The City of Lago Vista recognizes that city staff working under the guidance of City Council and under the direction of the AAB Council Liaison and AAB Chairperson are not independently representing themselves in an unauthorized manner.

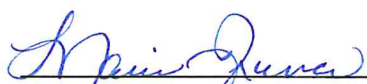
AND IT IS SO RESOLVED.

PASSED AND APPROVED this 6th day of March 2025.

CITY OF LAGO VISTA, TEXAS


 Kevin Sullivan, Mayor

ATTEST:


 Maria Franco, City Secretary



On a motion by Roberts, seconded by Arten the above and foregoing resolution was passed and approved.

From: Helvey, Michael (FAA) <michael.helvey@faa.gov>
Sent: Friday, May 9, 2025 9:20 AM
To: Kevin Sullivan <Mayor@lagovistatexas.gov>
Cc: Loftus, Gary (FAA) <Gary.Loftus@faa.gov>; Price, Michael B (FAA) <Michael.B.Price@faa.gov>
Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

Kevin,

Thank you for your patience. We've reviewed the information that you sent, and the associated history. Please find answers to your questions numerated below, and I do hope this helps in your ongoing discussions. If you do wish a formal answer to these or any other questions, please reach back out to me.

Question 1: My question about the determination made by Mr. Willis is that the deeded access granted to the adjoining property owners is conditioned upon adhering to "*rules and regulations adopted from time to time by the Declarant and local, state, and federal agencies asserting jurisdiction*". It appears that while the property owners do have deeded access, it is not unfettered. It is subject to rules and regulations such as section 136 of the 2012 FAA Modernization Act. It seems as if the property owners are required by their CCRs to adhere to such laws, and therefore, the CCRs don't need to be modified to expect them to adhere to section 136. Can you let me know your thoughts on this?

Answer: The FAA defers to the airport sponsor to interpret the plain meaning of the language. The FAA does not insert itself into airport rules and regulations, or lease terms and conditions. The FAA is not in contract with the users but rather with the airport sponsor to assure that the sponsor is in compliance with its statutory requirements. However, the City stated in its May 2, 2022, original exemption request letter that it is prepared to enforce the requirements of Federal law as written, if the FAA does not approve the exemption. As such, it appears that the City already may have interpreted this language.

Question 2: Only the 2019 agreement attempts to adhere to section 136 as it was the only agreement signed after the 2012 law was put into place. The 2019 agreement was only for 5 years, and it expired at the end of February 2024. The RAAPOA sent the city a letter stating they were not going to sign a new agreement and would not pay maintenance fees until the

city had concurrence with the FAA/TxDOT that the city indeed qualified for grandfathering under section 185. I believe the argument they want us to use is that the 2019 agreement was a standalone agreement since it was the first one that referenced section 136. Since it is a new, standalone agreement, there are no other agreements from which it could be modified, and therefore, the city qualifies for section 185 grandfathering. Considering that both the 2009 and 2019 agreements reference the previous agreement(s) this seems a stretch, but I'll pose the question to you: does this argument resonate with you? Since the 2019 agreement is the first to reference section 136 adherence, would it be considered a new agreement even though it references the two previous agreements? Would it allow us to qualify for section 185 grandfathering?

Answer: In separate FAA letters to Ms. Tracie Hlavinka, City Manager, on July 7, 2023, and Joseph Crawford, Interim City Attorney, on September 6, 2023, we state that city documents indicate the City was able to modify the terms of RTTF access to the airport. One such document is the RYW Funding Commitment Agreement (Agreement). The documents show that the City and RAAPOA entered into the first Agreement on March 1, 1999; it was amended twice – February 1, 2009, and February 21, 2019.

The City and RAAPOA entered into the 2019 Agreement expressly to meet Section 136 of the FAA Modernization and Reform Act of 2012 (P.L. 112-95) Section 136, and Texas Department of Transportation (TXDOT) Aviation guidelines. Section 185 states that “if the Secretary determines that the airport sponsor and residential property owners are able to make any modification to such an agreement on or after the date of enactment of this paragraph, the exemption provided by this paragraph shall no longer apply.” Such a determination may be made if an airport sponsor permits any modification concerning RTTF access with any grandfathered property owner. The Agreements, as amended, do exactly that. Thus, the FAA’s determination remains the same.

Again, Thank you for your patience.

Mike

Michael Helvey

Director, Office of Airports Compliance

and Management Analysis

Federal Aviation Administration

(202) 267-9363

(771) 217-3610



From: Kevin Sullivan <Mayor@lagovistatexas.gov>

Sent: Friday, May 9, 2025 8:11 AM

To: Helvey, Michael (FAA) <michael.helvey@faa.gov>

Cc: Vick, Thomas (FAA) <Thomas.Vick@faa.gov>

Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Michael and Tom,

I'm just following up on this thread to see if you have any feedback for me?

Gentlemen, I understand that you are probably quite busy. In addition, I don't like being a pest. If you have a time frame you are targeting to return some feedback, let me know and I won't pester you anymore until that time arrives.

One other reminder, this is an informal request for feedback and not an official request. I'm not looking for a formal letter like what Kevin Willis sent in the past. Please don't feel like you must generate an official letter like he did. We will likely be talking about this topic this summer and getting feedback to help guide myself and others is more important than the formality of the response.

Thank you in advance for any information you can provide.

Best Regards,

Kevin Sullivan

Mayor, Lago Vista

mayor@lagovistatexas.gov

(512) 698-5517

From: Helvey, Michael (FAA) <michael.helvey@faa.gov>

Sent: Monday, April 14, 2025 7:26 AM

To: Kevin Sullivan <Mayor@lagovistatexas.gov>

Cc: Vick, Thomas (FAA) <Thomas.Vick@faa.gov>

Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

Kevin,

Would you go ahead and send us the last Kevin Willis letter you are quoting from? I want to make sure we have the context. Tom Vic will be looking into this for me and may come back for additional requests.

Thank you!

Mike

Michael Helvey

Director, Office of Airports Compliance

and Management Analysis

Federal Aviation Administration

(202) 267-9363

(771) 217-3610



From: Helvey, Michael (FAA)

Sent: Monday, April 14, 2025 7:46 AM

To: Kevin Sullivan <Mayor@lagovistatexas.gov>

Cc: Loftus, Gary (FAA) <Gary.Loftus@faa.gov>

Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

Mr. Sullivan,

Good morning. Gary prompted me one this and I found I had let it get buried by other matters. I've pulled it to the top and will work this with my staff before replying. My apologies for not getting back to you.

Mike

Michael Helvey

Director, Office of Airports Compliance

and Management Analysis

Federal Aviation Administration

(202) 267-9363

(771) 217-3610



From: Kevin Sullivan <Mayor@lagovistatexas.gov>
Sent: Friday, March 28, 2025 8:10 AM
To: Helvey, Michael (FAA) <michael.helvey@faa.gov>
Cc: Loftus, Gary (FAA) <Gary.Loftus@faa.gov>
Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Helvey,

Gary Loftus of the southwest compliance office connected us a few weeks ago via the email below. Over the last 6 years or so, Gary has helped me understand the application of section 136 of the 2012 FAA Modernization Act as well as the nuances of section 185 from the 2018 FAA Reauthorization Act. I've used the info to help guide our city (first as a city council member and now as mayor) in operating our airport (Lago Vista, Texas - Rusty Allen Airport - RYW) and working with our TTF partners that access our airport.

A little history. The city of Lago Vista has owned our airport since 1994 and has dealt with the surrounding TTF property owners (RAAPOA) since then. The city signed agreements with the RAAPOA in 1999, 2009, and 2019. Only the 2019 agreement dealt with section 136 implications. The RAAPOA isn't very fond of the section 136 requirements and has attempted to avoid complying with some of the requirements since we became aware of the existence of section 136 in the 2018 timeframe. They have asked the city to petition the

FAA for section 185 grandfathering, which the city has done twice. In the first instance, Kevin Willis responded that section 185 was not likely to apply but asked for additional information. The city supplied that additional information and Mr. Willis then responded that we did not qualify for section 185 grandfathering. The RAAPOA requested that the city try petitioning a third time and the city council agreed. That petition should be forthcoming soon I would imagine.

Before I continue, let me say that I am writing this email to you only as one member of our council and I am not representing the city with an official petition for section 185 grandfathering. I'm simply trying to gather information to determine if the original assessment by Mr. Willis was correct, so I know how to vote on anything that comes before us in the future.

In the assessment of the city's qualification for section 185 grandfathering, Mr. Willis mentioned two points that helped determine his evaluation of our situation. I'll deal with each in turn:

Governing CCRs that run with the land owned by the RAAPOA members

Section 185 states that if Covenants Conditions and Restrictions (CCRs) that run with the land provide deeded access to the airport and the CCRs are perpetual in nature and have not been modified, then an airport can qualify for section 185 grandfathering. Mr. Willis made the determination that we qualified on this front.

I believe Mr. Willis might have missed something and I wanted to ask you about it. The full paragraph in the CCRs that grants the deeded access reads as follows:

Subject to the conditions and restrictions herein contained and to the rules and regulations adopted from time to time by the Declarant and local, state, and federal agencies asserting jurisdiction, each Owner of a Property now or hereafter made subject hereto, is granted the non-exclusive right to conduct aircraft takeoffs and landings upon the Runway. Access to the Runway shall be only at those locations established from time to time by the Declarant.

My question about the determination made by Mr. Willis is that the deeded access granted to the adjoining property owners is conditioned upon adhering to “*rules and regulations adopted from time to time by the Declarant and local, state, and federal agencies asserting jurisdiction*”. It appears that while the property owners do have deeded access, it is not unfettered. It is subject to rules and regulations such as section 136 of the 2012 FAA Modernization Act. It seems as if the property owners are required by their CCRs to adhere to such laws, and therefore, the CCRs don’t need to be modified to expect them to adhere to section 136. Can you let me know your thoughts on this?

Agreements between the adjoining property owners and the airport sponsor

This was the area that Mr. Willis determined the city failed, and as a result, it did not qualify for section 185 grandfathering. As I mentioned at the top, the city of Lago Vista has entered into three agreements with the RAAPOA over the last 25+ years. They have various titles, but they are essentially agreements that cover a variety of topics including the annual payment that the RAAPOA will make to the city to support the maintenance of the airport. The 2009 agreement references the 1999 agreement and the 2019 agreement references both the 1999 and the 2009 agreements. It is clear that the three documents are a series of agreements. Each of the agreements varied from the previous one in multiple ways and I believe these modifications over the multiple agreements are what led Mr. Willis to determine that the city did not qualify for section 185 grandfathering.

Only the 2019 agreement attempts to adhere to section 136 as it was the only agreement signed after the 2012 law was put into place. The 2019 agreement was only for 5 years, and it expired at the end of February 2024. The RAAPOA sent the city a letter stating they were not going to sign a new agreement and would not pay maintenance fees until the city had concurrence with the FAA/TxDOT that the city indeed qualified for grandfathering under section 185. I believe the argument they want us to use is that the 2019 agreement was a standalone agreement since it was the first one that referenced section 136. Since it is a new, standalone agreement, there are no other agreements from which it could be modified, and therefore, the city qualifies for section 185 grandfathering. Considering that both the 2009 and 2019 agreements reference the previous agreement(s) this seems a stretch, but I’ll pose the question to you: does this argument resonate with you? Since the 2019 agreement is the first to reference section 136 adherence, would it be considered a new agreement even though it references the two previous agreements? Would it allow us to qualify for section 185 grandfathering?

I have purposefully not attached all the documents I have referenced as I was not sure if my email would get through to you with the attachments. If you would like to look at the source documents I've referenced, I'll be happy to follow up with a subsequent email attaching the CCRs, the three agreements, the letters from Mr. Willis, and the letter from the RAAPOA. Just let me know if you would like those.

Again, I'll note that this is not a formal petition from the city, but instead an email from a single council member seeking information so I understand how to evaluate items brought before the council.

A final note. Feel free to reach out to Gary Loftus to enquire about our give and take over the years. He can attest that over a 6-year period, I worked with him to understand all these things so I could better guide my city with relationship to the airport, the FAA, and TxDOT Aviation.

Best Regards,

Kevin Sullivan

Mayor, Lago Vista

mayor@lagovistatexas.gov

(512) 698-5517

From: Loftus, Gary (FAA) <Gary.Loftus@faa.gov>

Sent: Thursday, March 6, 2025 6:04 AM

To: Kevin Sullivan <Mayor@lagovistatexas.gov>

Cc: Helvey, Michael (FAA) <michael.helvey@faa.gov>

Subject: RE: Section 185 petition for Lago Vista Rusty Allen Airport

Good morning Kevin,

All is well on this end. Congratulations on being the mayor of a gem of a city.

On a personal note, my family and I had the opportunity to spend eight days at a VRBO off 1431 just outside of town proper. All sixteen of us had a great time. We had the opportunity to play the Lago Vista golf course (lots of deer). Afterwards went to the Burger Bar (great food). Of course also resupplied at Brookshires and Lowes. Had a great time on the lake.

Kevin Willis' position was filled by Michael Helvey (address above) in early 2024. Mike's office is the appropriate place to send your request.

Have a great day and stay safe!!

gary

Gary J. Loftus, A.A.E.

Airports Compliance Program Manager

Airport Certification Safety Inspector

FAA Southwest Region

10101 Hillwood Parkway

Fort Worth, TX 76177

817-222-5671

From: Kevin Sullivan <Mayor@lagovistatexas.gov>

Sent: Wednesday, March 5, 2025 4:31 PM

To: Loftus, Gary (FAA) <Gary.Loftus@faa.gov>

Subject: Section 185 petition for Lago Vista Rusty Allen Airport

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Gary,

It has been a long time since we last chatted or exchanged emails. I hope you are doing well.

As you can see from my email signature below, I'm now the mayor of Lago Vista and we are still dealing with the issues at our airport. We still don't have a compliant agreement, and members of council still want to give the RAA Property Owner's Association whatever they want. The latest is granting their wish to submit a petition for Section 185 grandfathering for the third time. When we submitted the petition before, we sent it to Kevin Willis at FAA headquarters I believe. My understanding is he has retired. Do you know the person that has taken his place, and would he/she still be the appropriate person to send an updated petition to?

Thanks in advance for any help you can provide.

Best Regards,

Kevin Sullivan

Mayor, Lago Vista

mayor@lagovistatexas.gov

(512) 698-5517



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	June 26, 2025
SUBMITTED BY:	Gary Bosherars, Police Department
SUBJECT:	Discussion, consideration, and possible action on authorizing the City of Lago Vista Police Department to apply for an Office of Community-Oriented Policing Services (COPS) Hiring Program Grant for FY 2025.
BACKGROUND:	<p>The Fiscal Year 2025 COPS Hiring Program (CHP) is a competitive award program designed to provide funding directly to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts.</p> <p>If awarded, the grant provides a maximum of \$125,000 per full-time position over a three year period to fund salary and benefit costs. There is a minimum matching requirement of 25% of salary and benefit costs. There is an additional requirement that, if awarded this grant, the position must be fully funded for a minimum of an additional two years after the three year period where we would receive grant funds.</p> <p>The grant must be used for new positions and cannot be used to assist with costs of currently funded positions.</p>
FINDINGS:	<p>The Chief of Police attended an informational webinar on this grant opportunity earlier in the month. The Chief of Police and City Manager discussed the possibility of using this grant funding to assist with the City's portion of costs for School Resource Officers (SROs) which we currently share with the ISD. We do not believe this would be the best use of this potential funding source. The ISD currently pays over 70% of all costs associated with SROs. Utilizing this grant for this purpose would not allow us to take advantage of the full amount of funding available. Additionally, if at any point the ISD were to terminate the agreement with the City of the SROs, if grant funding were used, the City would still be responsible for funding these positions.</p>

After conversations between the City Manager and Chief of Police, we have determined that the best use of these potential funds would be to hire an additional Police Officer. Due to the timing of this grant, with the deadline for submissions being June 25th, 2025, we have already submitted the grant application and, in accordance with our Financial Policies, we are retroactively seeking approval.

The grants are expected to be awarded after September 1st, 2025. If awarded, we would return to the City Council for approval to accept the grant.

FINANCIAL IMPACT:

The grant offers a maximum funding of \$125,000 (approximately \$41,666 per year) over a three year period for salary and benefits to hire an additional Police Officer. The City must agree to fully fund the position for an additional two years after the grant period. The cost for salary and benefits for an entry-level Police Officer position is approximately \$73,351.38. Based on this, the costs to the City over the five year grant period would be as follows, precluding any salary or benefit adjustments. This is salary and benefits and not other costs such as uniforms, equipment, etc.

Year 1 - \$31,685.38

Year 2 - \$31,685.38

Year 3 - \$31,685.38

Year 4 - \$73,351.38

Year 5 - \$73,351.38

RECOMMENDATION:

Recommendation is for the City Council to authorize the City of Lago Vista Police Department to apply for the COPS Hiring Program Grant for FY 2025.

ATTACHMENTS:

[COPS Hiring Grant Fact Sheet.pdf](#)

[COPS Hiring Grant Notice of Funding Opportunity.pdf](#)



Fact Sheet

cops.usdoj.gov

2025 COPS Hiring Program

Strengthening Community Policing by Hiring Officers

The FY 2025 COPS Hiring Program (CHP) is designed to advance public safety through community policing by addressing the full-time sworn officer needs of state, local, tribal, and territorial law enforcement agencies nationwide. CHP provides funds directly to law enforcement agencies to hire new or rehire additional career law enforcement officers and to increase their community policing capacity and crime-prevention efforts.

The FY 2025 CHP award program is an open notice of funding opportunity. All local, state, tribal, and territorial law enforcement agencies that have primary law enforcement authority are eligible to apply. All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law. State and local governmental entities must comply with 8 U.S.C. §1373, which provides that state and local government entities may not prohibit, or in any way restrict, any government entity or official from sending to, receiving from, maintaining, or exchanging information regarding citizenship or immigration status, lawful or unlawful, of any individual with components of the U.S. Department of Homeland Security or any other federal, state, or local government entity. This includes any prohibitions or restrictions imposed or established by a state or local government entity or official. For additional information, please see the appendices in the FY25 CHP Application Resource Guide.

WHEN: Deadline for first part of application in Grants.gov is **June 25, 2025**, at 4:59 p.m. ET. Deadline for completed application in JustGrants is **July 1, 2025**, at 4:59 p.m. ET.

Start EARLY. This is more than a one-day process.

WHERE: 1. Register at www.grants.gov.
2. Complete the application in the [JustGrants Justice Grants System](#).

HOW: Online only. No hard copies sent by U.S. Mail or electronic copies sent via email.

PROGRAM WEBSITE:
<https://cops.usdoj.gov/chp>

Supporting Local Law Enforcement in Advancing Community Policing so Communities can Thrive

More than 30 years after its establishment by the Violent Crime Control and Law Enforcement Act of 1994, the COPS Office continues to support the efforts of law enforcement agencies across the country to develop creative and innovative ways to meet long-standing challenges in their communities. To date, the COPS Office has been appropriated more than \$21 billion to advance community policing including grants awarded to more than 13,000 state, local, and tribal law enforcement agencies to fund the hiring and redeployment of more than 140,000 officers.

COPS Office hiring programs like CHP assist law enforcement agencies in advancing public safety by enhancing their community policing efforts. In a changing economic climate, these programs help state, local, and tribal law enforcement agencies maintain sufficient sworn personnel levels to keep their communities safe.

Funding Provisions

FY 2025 CHP awards will provide up to 75 percent of the entry-level salary and fringe benefits for each approved position for a three-year period. There is a minimum 25 percent local cost share (matching funds) requirement, which must be in the form of cash, unless a waiver is approved. The maximum federal share per officer position is \$125,000 over the three-year period unless a local cost share (matching funds) waiver is approved. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the recipient agency.

Applicants may request up to 2 percent of the federal award amount for direct costs associated with administering the award. Examples of direct administrative costs may include directly assignable salaries and fringe benefits for staff that recruit officers to fill the CHP-funded positions, advertisements for CHP-funded vacancies, and administrative staff that collect performance measurement data and submit performance reports in JustGrants.

Note: the current appropriations act cap is \$125,000 per sworn officer position. Including 2 percent for direct administrative costs would not increase the grant award amount. Any amount used for direct administrative costs will reduce the amount of funding available for sworn officer salaries and benefits. However, if the local match is waived, the 2 percent would apply to the full federal share.

CHP awards provide funding for three years (36 months) of entry-level salary for each position awarded. The award period of performance is five years (60 months) to accommodate the hiring process. Agencies must retain each CHP-funded position for 12 months following the three years of funding for that position. The additional officer positions should be added to your agency's law enforcement budget with state or local funds (or both) over and above the number of locally funded officer positions that would have existed in the absence of the award. Absorbing CHP-funded positions through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement.

Funding under this program may be used to do the following: (1) hire new officers (including filling existing officer vacancies that are no longer funded in an agency's budget);

(2) rehire officers already laid off (at the time of application) as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions unrelated to the receipt of award funding; or (3) rehire officers scheduled to be laid off (at the time of application) on a specific future date as a result of state, local, or BIA budget reductions unrelated to the receipt of award funding. CHP applicants may request funding in one or more of these three hiring categories. Applicants may request up to 2 percent of the federal award amount for direct costs associated with administering the award.

The COPS Office may grant a waiver of some or all of an applicant's local cost share (matching funds) requirement. During the application review process, waiver requests will be evaluated based on a demonstration of severe fiscal distress.

The COPS Office statutory nonsupplanting requirement mandates that CHP funds must be used to supplement (increase) state, local, or BIA funds that would have been dedicated toward sworn officer positions if federal funding had not been awarded. CHP award funds must not be used to supplant (replace) local funds that agencies otherwise would have devoted to sworn officer hiring. The hiring or rehiring of officers under CHP must be in addition to, and not in lieu of, officers who otherwise would have been hired or rehired with state, local, or BIA funds.

A law enforcement agency operating below its budgeted strength is eligible to apply for funding so long as the applicant attests that awarded funds will be used in compliance with the nonsupplanting requirement and not used to supplant state, local, or Bureau of Indian Affairs funds that are already budgeted for sworn law enforcement officer positions. Budgeted strength is the maximum number of sworn law enforcement officers that a law enforcement agency is authorized to employ in their budget. See the Guidance for Understaffed Law Enforcement Agencies Operating below Budgeted Strength under the COPS Hiring Program (CHP) and Tribal Resources Grant Program—Hire (TRGP—Hire) for additional information (https://cops.usdoj.gov/pdf/2025AwardDocs/Understaffed_LEAs_Fact_Sheet.pdf).

Applicants are required to affirm in their CHP award application that their agency plans to retain any additional officer positions funded following the expiration of the award and identify their planned sources of retention funding.

Highlights of FY 2025 CHP

Additional consideration in the application review process will be given to applicants that propose a community-based approach to the following problem/focus areas: Violent Crime, Squatting and Encampment Enforcement, Homeland and Border Security, Nuisance Abatement and Quality of Life, and School-Based Policing. If awarded CHP funding, recipients that chose any of these specific common sense policing problem areas will not be allowed to change the problem area post-award.

Additional consideration will also be given to applicants that meet any of the following criteria:

- **Ending Deadly Sanctuary City Policies.** Agencies that cooperate with federal law enforcement to address illegal immigration (state and local government applicants only).
- **Safe Harbor.** Applicants in states with certain anti-human trafficking laws that treat minors engaged in commercial sex as victims (referred to as “safe harbor” laws) and permit individuals to vacate arrest or prosecution records for nonviolent offenses as a result of being trafficked.
- **Unfunded in Previous Year.** Applicants that did not receive a CHP award in FY 2024 due to the limited availability of funding who submit a quality application in FY 2025.
- **Rural Designation.** Applicants in self-identified rural jurisdictions.
- **Catastrophic Incident.** Applicants that experienced an unanticipated catastrophic event or Attorney General-declared area in crime-related crisis.
- **Hiring Veterans.** Applicants that commit to hiring at least one military veteran.

CHP recipients who use CHP funding to deploy school resource officers (SRO) will be required to submit a memorandum of understanding (MOU) between the law enforcement agency and the school partners. In addition, all applicants who receive FY25 CHP funding for SROs will be required to send each awarded SRO position to a training sponsored and subsidized by the COPS Office no later than nine months after the date shown on the award congratulatory letter or six months from the SRO hire date, whichever comes first. Additional information about this training requirement will be provided to recipients at the time of award.

How to Apply

Step 1. Register with the SAM (System of Award Management) database or confirm or renew your existing SAM registration.

Step 2. Confirm your entity’s electronic business point of contact (E-Biz POC) in SAM is accurate.

Step 3. Register with Grants.gov or confirm your existing registration.

Step 4. Submit the first part of your application in Grants.gov. **Deadline to complete this step is June 25, 2025, at 4:59 p.m. ET.**

Step 5. Onboard your agency to the JustGrants Justice Grants System.

Step 6. Complete and submit the second part of your application in JustGrants (<https://www.justicegrants.usdoj.gov>).

Further instructions and explanations of the application process can be found on the COPS Office website at <https://cops.usdoj.gov>.

Complete application packages for the FY 2025 CHP funding opportunity are due by **July 1, 2025, at 4:59 p.m. ET.**

Contact the COPS Office

For more information about COPS Office programs and resources, please contact the COPS Office Response Center at AskCOPSRC@usdoj.gov or 800-421-6770.

U.S. Department of Justice

Office of Community Oriented Policing Services



FY25 COPS Hiring Program

Assistance Listing #:	16.068
Grants.gov Opportunity Number:	O-COPS-2025-172413
NOFO Release Date:	May 8, 2025
Grants.gov Deadline:	June 25, 2025, 4:59 PM ET.
Application JustGrants Deadline:	July 1, 2025, 4:59 PM ET.

Overview

The U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office, <https://cops.usdoj.gov>) is pleased to announce that it is seeking applications for funding for the FY25 COPS Hiring Program (CHP). This program furthers the COPS Office's goal of advancing public safety through community policing by funding additional full-time career law enforcement positions to meet law enforcement agencies' community policing strategies. As community policing is common sense policing, throughout the CHP Notice of Funding Opportunity (NOFO) materials, the terms 'community policing' and 'common sense policing' are used interchangeably, unless otherwise specified.

Additional information, including the FY25 CHP Application Resource Guide, Frequently Asked Questions (FAQs), and Fact Sheets can be found at <https://cops.usdoj.gov/chp>.

(Please see eligibility section for eligibility criteria.)

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Eligibility

Eligible applicants are limited to established and operational local, state, territorial, and tribal law enforcement agencies that have primary law enforcement authority.

- Established and operational:
 - A law enforcement agency is established and operational if the jurisdiction has passed authorizing legislation and it has a current operating budget.
 - CHP applicants must have a law enforcement agency (i.e. Sheriff's Office, Department, etc.) that is operational by the close of this application or receive services through a new or existing contract for law enforcement services that is in place by the close of this NOFO. Applicants must also maintain primary law enforcement authority for the population to be served.
- Primary law enforcement authority:
 - An agency with primary law enforcement authority is defined as the first responder to calls for service for all types of criminal incidents within the jurisdiction served.

If funds under this program are to be used as part of a written contracting agreement for law enforcement services (e.g., a town that contracts with a neighboring sheriff's department to receive services), the agency wishing to receive law enforcement services must be the legal applicant in this application.

In addition, state and local governmental entities must comply with 8 U.S.C. §1373, which provides that state and local government entities may not prohibit, or in any way restrict, any government entity or official from sending to, receiving from, maintaining, or exchanging information regarding citizenship or immigration status, lawful or unlawful, of any individual with components of the U.S. Department of Homeland Security or any other federal, state or local government entity. This includes any prohibitions or restrictions imposed or established by a state or local government entity or official. For additional information, please see the appendices in the [FY25 CHP Application Resource Guide](#).

Contact Information

Agency Contact Description

For technical assistance with submitting the SF-424, please call the Grants.gov customer service hotline at 800-518-4726, send questions via email to support@Grants.gov, or consult the [Grants.gov Organization Applicant User Guide](#). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

For technical support with the Justice Grants System (JustGrants) application, please contact JustGrants Support at JustGrants.Support@usdoj.gov or 833-872-5175. JustGrants Support operates Monday through Friday between the hours of 5:00 a.m. and 9:00 p.m. Eastern Time (ET) and Saturday, Sunday, and federal holidays from 9:00 a.m. to 5:00 p.m. ET. Training on JustGrants can also be found at <https://justicegrants.usdoj.gov/training-resources>.

For programmatic assistance with the requirements of this program, please call the COPS Office Response Center at 800-421-6770 or send questions via email to AskCopsRC@usdoj.gov. The COPS Office Response Center operates Monday through Friday, 9:00 a.m. to 5:00 p.m. ET, except on federal holidays. In addition, the COPS Office welcomes applicant feedback on this notice of funding opportunity, the application submission process, and the application review process. Provide feedback via email to AskCopsRC@usdoj.gov (Subject line: "FY25 CHP Feedback").

Submission Information

Registration: To submit an application, all applicants must be registered in SAM.gov with a Unique Entity Identifier (UEI) number and be registered in Grants.gov.

Submission: Completing an application is a two-step process:

1. Applicants are first required to register via <https://www.grants.gov>, complete the SF-424 form and submit it through the [Grants.gov website](#).
2. Once the SF-424 has been submitted via Grants.gov, the applicant will complete the full application including survey questions and provide attachments in JustGrants.

An application is not considered submitted until both of these steps are completed. For more information about registration and submission, see the Application and Submission section of this NOFO.

All guidance for this program is contained in this NOFO and can also be found at <https://cops.usdoj.gov/chp>.

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Program Description

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources. To date, the COPS Office has been appropriated more than \$21 billion to advance community policing, including grants awarded to more than 13,000 state, local, territorial, and tribal law enforcement agencies to fund the hiring and redeployment of nearly 140,000 officers.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, <https://cops.usdoj.gov>.

The FY25 COPS Hiring Program (CHP) provides funding to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. Anticipated outcomes of CHP awards include engagement in planned community partnerships, implementation of projects to analyze and assess problems, implementation of changes to personnel and agency management in support of community policing, and increased capacity of agency to engage in community policing activities.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as violent crime, nonviolent crime, and fear of crime.

Overview of Program Requirements

Hiring Categories

Funding under this program may be used to hire or rehire career law enforcement officers in the following categories:

- **Hire new officers**, which includes filling existing officer vacancies that are no longer funded in your agency's budget. These positions must be in addition to your current budgeted (funded) level of sworn officer positions, and the officers must be hired on or after the official award start date on the notice of award.
- **Rehire officers laid off** by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions. The rehired officers must be rehired on or after the official award start date on the notice of award. Documentation must be maintained showing the date(s) that the positions were laid off and rehired.
- **Rehire officers who are (at the time of application) currently scheduled to be laid off** by your jurisdiction on a specific future date as a result of state, local, or BIA budget reductions.
 - Recipients will be required to continue funding the positions with local funding until the date(s) of the scheduled layoffs. The dates of the scheduled layoffs and the number of positions affected must be identified in the CHP application.
 - The recipient may rehire the officers with CHP funding on or immediately after the date of the scheduled layoff. Unless required by a recipient jurisdiction, the agency is not required to formally complete the administrative steps associated with the layoff of the individual officers it is seeking to rehire so long as the agency can document that a final, approved budget decision was made to lay off those individual officers on the identified layoff date.
 - Documentation must be maintained detailing the dates and reason(s) for the layoffs. Furthermore, agencies awarded will be required to maintain documentation that demonstrates that the scheduled layoffs are occurring for local economic reasons unrelated to the availability of CHP award funds; such documentation may include local council meeting minutes, memoranda, notices, or orders discussing the layoffs, budget documents ordering jurisdiction-wide budget reductions, and/or notices provided to the individual officers regarding the layoffs.

An applicant may request funding in one or more of the above-referenced hiring categories under CHP. If an application is approved for funding, the notice of award will specify the number of positions approved in each category. Once awarded, recipient agencies may not move funded positions between the hiring categories without receiving written prior approval from the COPS Office.

Problem/Focus Areas

Applicants will identify and describe one specific problem/focus area from the list below. Note that selection of some problem focus areas may result in additional consideration for funding (see Application Review Information). Applicants that select those funding areas will not be allowed to change the problem areas/focus area of common sense policing strategies after the award is issued.

- **Violent Crime** - Applicant will employ common sense policing strategies to address a range of violent crime problems. Applicants committed to aggressively enforcing gun laws; addressing human trafficking, criminal gangs, or drug manufacturing / dealing / trafficking; dismantling gangs, street crews, and drug networks; or cracking down on the open use of illegal drugs subcategories will receive additional consideration.
- **Squatting and Encampment Enforcement** - Applicants will focus on ending squatting by collaborating with federal law enforcement / task forces to end the epidemic of squatters and public encampments that create safe havens for drugs, crime, and human trafficking.
- **Homeland and Border Security** - Applicants will partner with federal law enforcement to combat illegal immigration (e.g., information sharing, 287(g) partnerships, task forces, and honoring detainees), protecting critical infrastructures, and information/intelligence problems.
- **Nuisance Abatement and Quality of Life** - Applicants will focus on aggressive and strict enforcement of nuisance abatement and blight including, among other things, petty larceny and criminal damage to property.
- **School Based Policing** - Applicants will focus on deploying School Resource Officers (SROs) to protect elementary or secondary schools, expand crime prevention efforts, identify changes to reduce crime in and around schools, and other activities to increase school safety.
- **Other/Innovations in Common Sense Policing** – Applicants are required to describe new and promising approaches in common sense policing that can be advanced through the COPS Hiring Program.

“Career Law Enforcement Officer” Defined

A “career law enforcement officer” is a person hired on a permanent basis who is authorized by law or by a state, local, or tribal agency to engage in or oversee the prevention, detection, or investigation of violations of criminal laws. 34 U.S.C. §10389(1). The State of Alaska, and any Indian tribe or tribal organization in that state, may also use hiring funds for village public safety officers defined as “an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670. Tribal Law and Order Act of 2010, Pub. L. 111-211, title II, § 247 (a)(2).”

Cap on Officer Requests

Requests will be capped at 20 percent of actual sworn force, with a maximum of 50 officers for any agency. For example, agencies with an actual sworn force of 30 will be allowed to request up to 6 positions. Agencies with fewer than 10 officers may request one position.

Length of Funding and Retention Requirement

Funding under this program will support three years of officer or deputy salaries within a five-year period of performance to accommodate time needed for recruitment and hiring. Agencies must retain each CHP-funded position for a minimum of 12 months following the three years of funding for that position. The additional officer positions should be added to your agency's law enforcement budget with state and/or local funds over and above the number of locally funded officer positions that would have existed in the absence of the award. Absorbing CHP-funded positions through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement.

Background Investigation Requirement

Recipients must ensure that each officer(s) hired with CHP funding is subject to a background investigation, notify the COPS Office upon completion of the background investigation for each officer hired under the CHP award, and cooperate with the COPS Office and provide updates on the status of background investigations upon request. Additional information can be found in the FY25 CHP Application Resource Guide and the External Background Investigations FAQs.

Prohibition on Supplanting

"Supplanting" is to deliberately reduce state or local funds because of the existence of federal funds. For example, when state funds are appropriated for a stated purpose and federal funds are awarded for that same purpose, the state replaces its state funds with federal funds, thereby reducing the total amount available for the stated purpose. As such, a recipient may not reduce its existing current fiscal year budget for sworn officers just to make use of the CHP award. Any budget cut must be unrelated to the receipt of CHP award funds to avoid a violation of the COPS Office statutory non-supplanting requirement.

Cap on Direct Administrative Costs

Applicants may request up to 2 percent of the federal award amount for direct costs associated with administering the award. See the Budget and Associated Documentation section for additional information.

Understaffed Law Enforcement Agencies Operating Below Budgeted Strength

A law enforcement agency operating below its budgeted strength is eligible to apply for funding so long as the applicant attests that awarded funds will be used in compliance with the nonsupplanting requirement and not used to supplant state, local, or Bureau of Indian Affairs funds that are already budgeted for sworn law enforcement officer positions. Budgeted strength is the maximum number of sworn law enforcement officers that a law enforcement agency is authorized to employ in their budget.

Please see the “Guidance for Understaffed Law Enforcement Agencies Operating Below Budgeted Strength” factsheet for additional information.

School Resource Officer (SRO) Requirements

- **Memorandum of Understanding:** Recipients awarded CHP funding to hire and/or deploy School Resource Officers (SRO) into schools will be required to submit to the COPS Office a signed MOU between the law enforcement agency and the school partner(s) within 90 days of the date shown on the award letter, and before expending or drawing down funds under the award. See the Other Supporting Documentation section and/or the SRO MOU Fact Sheet for additional information.
- **Training Requirement:** COPS Office-funded SRO(s) are required to complete an SRO 40-hour basic training course from a list of COPS Office approved provider(s). Training must be completed no later than nine months after the date shown on the award congratulatory letter or six months from the SRO hire date, whichever comes first. Additional information and requirements can be found in the FY25 CHP Application Resource Guide.

This is a competitive, discretionary program. The COPS Office will fund as many positions as possible for successful applicants; however, the number of officer positions requested by an agency may be reduced based on the availability of funding and other programmatic considerations.

Program Goals and Objectives

Goal 1: The goal of CHP is to provide funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts.

- Objective 1: Engagement in planned community partnerships
- Objective 2: Implementation of projects to analyze and assess problems
- Objective 3: Implementation of changes to personnel and agency management in support of community policing
- Objective 4: Increased capacity of agencies to engage in community policing activities

Statutory Authority

The COPS Hiring Program is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322, 34 U.S.C. § 10381 et seq.

Federal Award Information: Awards, Amounts and Durations

Anticipated Number of Awards

250

Anticipated Maximum Dollar Amount of Awards

Up to \$6,250,000

Period of Performance Start Date

October 1, 2025

Period of Performance Duration (months)

60 months

Anticipated Total Amount to be Awarded under Notice of Funding Opportunity

Up to \$156,668,839

Announcement Type

Initial

Type of Award

The COPS Office expects to make this award in the form of a grant, which does not provide for substantial involvement between the federal awarding agency and the nonfederal entity in carrying out the activity contemplated by the federal award. Grant recipients will be responsible for day-to-day project management and may reach out to the COPS Office with assistance in implementing the award.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Cost Sharing or Match

For this opportunity, a local match is required of at least 25 percent, which must be in the form of cash, unless a waiver is approved at the time of application. FY25 CHP awards will cover up to 75 percent of the entry-level salary and fringe benefits for each approved position for a three-year funding period, based on the applicant's current entry-level salary levels for full-time officers. Absent an approved matching funds waiver, the maximum federal share per officer position is \$125,000 over the three-year period (not \$125,000 per year) and any additional costs exceeding entry-level salaries and fringe benefits will be the responsibility of the recipient agency. Additional details can be found in the Budget and Associated Documentation section below and the [FY25 CHP Application Resource Guide](#).

Eligibility Information

See the Overview section for detailed eligibility information.

Application and Submission Information

The complete application package (that is, this NOFO, including links to additional documents) is available on Grants.gov and on the COPS Office website <https://cops.usdoj.gov/>. Completing an application under this program is a two-step process.

Before You Begin: SAM.gov Registration and Unique Entity Identifiers (UEIs)

To submit an application, your entity must have an active registration in the [System for Award Management \(SAM.gov\)](#). SAM.gov assigns entities a unique entity identifier (UEI) that is required for the entity to apply for federal funding. You will enter the entity's UEI in the application. Award recipients must then maintain an active UEI for the duration of their award. Visit SAM.gov for details and resources for first-time registration or renewal of an existing registration.

The registration and renewal processes can take several weeks. Start these processes at least 30 days prior to the Grants.gov deadline. Applicants who do not begin the registration or renewal process at least 10 business days prior to the Grants.gov deadline may not be able to complete the process in time and will not be considered for a technical waiver that allows for late submission.

Step One: Grants.gov

Application for Federal Assistance (SF-424): Applicants must register via <https://www.grants.gov> and complete an Application for Federal Assistance, Standard Form 424 (SF-424). The SF-424 is a required standard form that collects the applicant's name, address, and UEI; the funding opportunity number; and the proposed project title, among other information. It is used as a cover sheet for submission of pre-applications, applications, and related information under discretionary programs. Applicants must complete and submit the SF-424 via <https://www.grants.gov> using the information provided on that site. The SF-424 must be signed by the Grants.gov authorized organizational representative.

Section 8F – Applicant Point of Contact: Enter the name and contact information of the individual who will complete application materials in JustGrants. JustGrants will use this information to assign the application to this user in JustGrants.

Section 19 – Intergovernmental Review: This funding opportunity is subject to [Executive Order \(E.O.\) 12372](#) (Intergovernmental Review). States that participate in the Intergovernmental Review process have an opportunity to review the applicant's submission. Find the names and addresses of state Single Points of Contact (SPOCs) for Intergovernmental Review at the following website: [SPOC-list-as-of-August-2024.pdf](#) If the applicant's state appears on the SPOC list:

- Contact the state SPOC for information and follow the state's process under E.O. 12372.
- On the SF-424, make the appropriate selection for question 19 once the applicant has complied with its state E.O. 12372 process.

If the applicant's state does not appear on the SPOC list:

- Answer question 19 by selecting, "Program is subject to E.O. 12372 but has not been selected by the state for review."

Applicants are strongly encouraged to register immediately on <https://www.grants.gov>. Any delays in registering with Grants.gov or submitting the SF-424 may result in insufficient time for processing your application through JustGrants. Refer to the U.S. [Department of Justice \(DOJ\) Application Submission Checklist](#) for additional details.

For technical assistance with submitting the SF-424, please call the Grants.gov customer service hotline at 800-518-4726, send questions via email to support@Grants.gov, or consult the [Grants.gov Organization Applicant User Guide](#). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

Step Two: JustGrants Application

The remainder of the application will be completed through the Justice Grants System (JustGrants) at <https://justicegrants.usdoj.gov/>. No other form of application will be accepted. Applications with errors or missing information may be disqualified or rated accordingly. Please note that the application system will not accept incomplete applications or applications with errors.

Standard Applicant Information

To begin the JustGrants application, applicants must first complete a web-based form in JustGrants which is pre-populated with the SF-424 data submitted in Grants.gov. Applicants are required to confirm the two Authorized Representatives (see following) and verify the legal name, address, and enter the ZIP code(s) for the areas affected by the project. For statewide or nationwide projects, the applicant should enter “State” or “National” in this field.

The Authorized Representatives are the officials who have ultimate and final responsibility for all programmatic and financial decisions regarding this COPS Office application as representatives of the legal recipient (e.g., your agency or organization).

Who should be assigned as Authorized Representatives?

For **law enforcement agencies**, COPS Office awards require that both the top law enforcement executive (e.g., chief of police, sheriff, or equivalent) and the top government executive (e.g., mayor, board chairman, or equivalent) sign the application, and (if awarded funding) accept the award package. Both the top law enforcement executive and the top government executive must be assigned the role of Authorized Representative in JustGrants.

For **non-law enforcement agencies**, (institutions of higher education, school districts, private organizations, etc.), COPS Office awards require that both the programmatic official (e.g., executive director, chief executive officer, or equivalent) and financial official (e.g., chief financial officer, treasurer, or equivalent) sign the application, and (if awarded funding) accept the award package. These two officials must have the ultimate signatory authority to sign contracts on behalf of your organization. Both the programmatic official and the financial official must be assigned the role of Authorized Representative in JustGrants. Please note that nonexecutive positions (e.g., clerks, trustees) are not acceptable Authorized Representatives.

Before applicants can complete this section, the two Authorized Representatives must have established accounts in JustGrants after the Grants.gov portion of the application was submitted. **Please note: Users assigned as Authorized Representatives must log into the JustGrants system to activate their account. Users will not be visible in JustGrants until they have successfully logged into JustGrants.**

Application Components

Data Requested with Application

Applicants must complete the survey questions in the “Data Requested with Application” section of the JustGrants application. A copy of the survey questions required for this NOFO can be found at <https://cops.usdoj.gov/chp>.

Budget and Associated Documentation

Budget Detail Worksheet (Web-Based Form)

Applicants must complete the web-based budget worksheet form in JustGrants, providing narrative entries in the “additional narrative” field to describe and justify each proposed cost.

The information in the “additional narrative” field(s) should be mathematically sound and correspond clearly with the information provided in the budget detail worksheets. The narrative should explain how the applicant estimated and calculated all costs and how those costs are necessary to the completion of the proposed project and demonstrate the efficient use of funding in achieving program goals.

Budget requests may only be made in the following categories:

- Sworn Officer Personnel
- Fringe Benefits
- Other Costs – Direct Administrative Costs

Recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice award.

Federal Funding Restrictions

Please be advised that COPS Office funding must not be used for the following:

1. To directly or indirectly support or subsidize an educational service agency, state educational agency, local educational agency, elementary school, secondary school, or institution of higher education that requires students to have received a COVID-19 vaccination to attend any in-person education program.
2. To promote gender ideology.
3. For projects that provide or advance diversity, equity, inclusion, and accessibility, or environmental justice programs, services, or activities.
4. State and local governments and law enforcement agencies that have failed to protect public monuments, memorials, and statues from destruction or vandalism.

If awarded, and it is determined that the applicant is not in compliance with the funding restrictions, the COPS Office may place a hold on the award and/or take other remedial action.

See below for non-exhaustive list of allowable and unallowable costs, as well as guidance for completing each budget category.

Allowable Costs – Fundable Requests

The only allowable costs under CHP are the approved full-time, entry-level salaries and fringe benefits of newly hired or rehired sworn career law enforcement officers who are hired or rehired on or after the award start date, and direct administrative costs of up to 2 percent of the federal award amount. An agency seeking to rehire officers scheduled to be laid off on a specific future date with CHP funds must continue to fund them with local funds through the award date until the date of the scheduled layoff.

There is a minimum local cost share (matching funds) requirement of 25 percent, which must be in the form of cash. The local cost share (matching funds) requirement may exceed 25 percent if the entry-level salary and fringe costs total more than \$167,000 over three years. Note: The local cost share (matching funds) will calculate automatically once the overall salary, fringe rates, and direct administrative costs are entered.

- **Sworn Officer Salaries:** You will enter the funding request by indicating the number of officers you are requesting, then by providing the current entry-level salary and fringe benefits for one full-time sworn officer. The total request will calculate automatically.
 - The number of officers you request in the budget must match the number of officers requested in the question survey and may not exceed 20 percent of actual full-time sworn force, up to 50 officers.
 - CHP awards are subject to the restrictions described in the Program Description section, including but not limited to: \$125,000 maximum over three years and minimum of 25 percent cost share or matching funds requirement (unless waived). Applicants budgeting for an increase in salaries and/or fringe benefits over the life of the award are required to provide an explanation. **Note that the \$125,000 in federal funds total is for three years, not \$125,000 annually.**
 - Officers previously employed by your agency who have been (or are currently scheduled to be) laid off as a result of budget reductions may be rehired using CHP award funds, but funding requests must be limited to your agency's entry-level salaries and fringe benefits for full-time officers. Agencies will be responsible for paying any costs that exceed entry-level salaries and fringe benefits with local funds.
 - For applicants with more than one entry-level salary and benefit package based on prior education for new officers with no prior law enforcement experience, you may average those salaries and benefits to report your entry-level salary and benefits. Please note, however, that any higher salaries and benefits that are paid to compensate for prior law enforcement experience are not considered entry-level and should not be included in this average or otherwise reported as entry-level. If awarded CHP funding, an agency must use it to pay the actual entry-level officer's salary and benefits and any CHP funds remaining after the 36-month funding period will be deobligated.

- **Fringe Benefits:** Fringe benefits typically covered by the applicant agency, as specified in agency personnel and salary policies or contractual agreements, and allowable under 2 CFR 200, will be covered. Examples of allowable fringe benefits include Social Security, Medicare, insurance (life, health, dental, etc.), shift differential, retirement plans, and holiday pay.
 - For agencies that do not include fringe benefits (e.g., vacation, holiday, shift differential) as part of the base salary costs and typically calculate these separately, the allowable expenditures may be included with personnel costs. Any fringe benefits that are already included as part of the agency's base salary should not be repeated in the separate fringe listing. Fringe benefits that do not appear in the drop-down budget menu will not be considered.
 - Shift differential pay is a premium hourly rate paid for those hours that are not considered normal day work hours as defined by your agency. Typically, shift differential pay is for the hours worked outside of normal day work hours, where the majority of hours worked are from 3:00 p.m. of one day until 8:00 a.m. of the following day. This would include the evening shift, midnight shift, overlap shift or power shift, or any other designated shift between those hours that would qualify for the shift differential pay as defined by your agency and/or a contractual or union agreement. Overtime beyond any defined shift work hours is an unallowable cost under CHP. See the Unallowable Costs – Costs that will Not be Funded section for more information.

Note: The following are considered unallowable costs under CHP, regardless of whether they are included as salary or fringe: Sworn officer overtime costs, training, travel, equipment (e.g., uniforms, weapons, or vehicles), severance pay, and hazard pay. If your agency pays those benefits for locally funded officer positions, your agency will be required to use local funds to do so for CHP-funded officer positions. See the Unallowable Costs – Requests that will Not be Funded section for more information in unallowable costs.

- **Direct Administrative Costs:** Up to 2 percent of the federal share may be used for direct administrative costs. See 34 U.S.C. § 10381(i).
 - Recipients may use up to 2 percent of the grant award amount for administrative costs, which encompasses costs directly associated with administering the grant.
 - Examples of direct administrative costs may include directly assignable salaries and fringe benefits for administrative staff that collect performance measurement data and submit performance reports in JustGrants and/or Federal Financial Reports.
 - Direct costs are those costs that can be “. . . identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. . . ” See 2 C.F.R. § 200.413.

- Any direct administrative costs proposed must be specific and directly assignable to the award activities. Any lump sum line item of 2 percent will be removed from the budget, and the award amount will be reduced accordingly.
- Note: the current appropriations act cap is \$125,000 per sworn officer position. Including 2 percent for direct administrative costs would not increase the grant award amount. **Any amount used for direct administrative costs will reduce the amount of funding available for sworn officer salaries and benefits.** However, if the local match is waived, the 2 percent would apply to the full federal share. Administrative costs encompass expenses directly associated with administering the grant.

Unallowable Costs – Requests That Will Not be Funded

All items other than entry-level personnel costs (salaries, fringe benefits) and direct administrative costs up to 2 percent of the federal award amount, as described in the preceding section are considered unallowable under CHP. Therefore, the following costs are not permitted under CHP:

- Salaries, fringe benefits, for
 - Existing locally funded officers, unless those officers are currently scheduled to be laid off on a specific future date over and above an agency's entry-level salary and fringe benefits for officers.
 - Civilian or nonsworn personnel, unless included in the Other Costs category for the sole purpose of administering the award.
 - Part-time officer positions, unless included in the Other Costs category for the sole purpose of administering the award.
 - Furloughed officers
 - Correctional officers
- Overtime costs, severance pay, hazard pay, and retroactive pay.
- Equipment (e.g., weapons, and vehicles)
- Training
- Travel
- Uniforms
- Indirect costs

Before including any of these items in your budget and application, please contact the COPS Office at AskCopsRC@usdoj.gov. This is not an exhaustive unallowable expenses list. Items not listed will be reviewed on a case-by-case basis. The COPS Office reserves the right to deny funding for items not included on this unallowable expenses list. All requests must contribute directly to the specific purpose of the award project.

Note: Costs incurred by the applicant prior to the start date of the period of performance of the federal award are unallowable. Requests for reimbursement of items purchased or expenses incurred prior to the award start date (i.e., pre-agreement costs) will not be approved by the COPS Office.

Waiver of Local Cost Share (Matching Funds)

In the Local Match Details section, you will be presented with the option to request a waiver of the local cost share (matching funds) requirement. If a local cost share (matching funds) waiver is requested by selecting “Yes,” you will be instructed to enter the maximum local cost share you would be able to contribute, if any, and to specify if the COPS Office should continue to consider the application if the waiver request is not granted.

Local Cost Share (matching funds) waiver requests will be evaluated based on the availability of funding, a demonstration of severe fiscal distress as reflected through the fiscal health data provided in the application, and a comparison of your fiscal health data with that of the overall applicant pool. Please indicate whether the COPS Office should continue to consider your application if the waiver request is not granted or whether it should be removed from consideration.

Additional Application Components

SRO MOU (if applicable)

Recipients awarded CHP funding to hire and/or deploy SROs into schools will be required to submit to the COPS Office a signed MOU between the law enforcement agency and the school partner(s) within 90 days of the date shown on the award letter and before expending or drawing down funds under the award. An MOU is not required at the time of application; however, if the law enforcement agency already has an MOU in place that is applicable to the partnership, the MOU can be uploaded as an attachment under the section in JustGrants titled “MOUs and Other Supporting Documents”.

The MOU must contain the following:

- A. The purpose of the MOU
- B. Clearly defined roles and responsibilities of the school district and the law enforcement agency focusing on the officers’ roles on safety
- C. Information sharing
- D. Supervision responsibility and chain of command for the SRO
- E. Signatures

Submit all MOUs together as one attachment to the application. Unsigned draft MOUs may be submitted with the application, but the applicant should describe in a cover page to the attachment why they are unsigned.

Please refer to the MOU fact sheet at <https://cops.usdoj.gov/chp> for a full description of requirements.

SRO Official Partner Contact Information (if applicable)

Applicants requesting funding for SROs should enter in contact information for each school partner where the SROs will be deployed, if known at time of application. This information is not required at the time of application but will be later required for any agency awarded CHP funding for officers to be deployed as SROs.

Letters of Support

In this section, applicants will attach letters of support from partners such as other law enforcement agencies, community organizations, government officials, or other stakeholders as applicable.

Each letter of support may include descriptions of the following:

- Relationship between the applicant and the supporting entity.
- Need for and benefits that would be gained from the project.
- Applicant's capacity to complete the proposed projects.

Submit letters of support together as one attachment. The COPS Office strongly recommends that uploaded files be clearly named to indicate the applicant organization name and the file contents to ensure that reviewers can easily locate application documents. Recommended file formats are PDF, Microsoft Word, and Microsoft Excel.

Disclosures and Assurances

Lobbying Activities

JustGrants will prompt each applicant to indicate if it is required to complete and submit a lobbying disclosure under 31 U.S.C. § 1352.

The applicant is required by law to complete and submit a lobbying disclosure form (Standard Form/SF-LLL) if it has paid or will pay any person to lobby in connection with the award for which it is applying AND this application is for an award in excess of \$100,000. This disclosure requirement is not applicable to such payments by an Indian Tribe, Tribal organization, or any other Indian organization that are permitted by other federal law.

For this requirement, lobbying means influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress.¹ Note: Most applicants do not engage in activities that trigger this disclosure requirement.

¹ See 31 U.S.C. 1352; 28 C.F.R. part 69.

An applicant that is not required by law² to complete and submit a lobbying disclosure should enter “No.” By doing so, the applicant is affirmatively asserting (under applicable penalties) that it has nothing to disclose under 31 U.S.C. § 1352 with regard to the application for the award at issue.

U.S Department of Justice (DOJ) Certified Standard Assurances

Review and accept the [DOJ Certified Standard Assurances](#) in JustGrants. See the [FY25 CHP Application Resource Guide](#) for additional information.

DOJ Certifications

Review the DOJ document [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing](#). Sign the certification document. See the [FY25 CHP Application Resource Guide](#) for additional information.

Federal Civil Rights and Award Review

Please be advised that an application may not be funded and, if awarded, a hold may be placed on the award if it is deemed that the applicant is not in compliance with federal civil rights laws, is not cooperating with an ongoing federal civil rights investigation, or is not cooperating with a U.S. Department of Justice award review or audit.

Submission Dates and Time

The COPS Office highly recommends applicants work through the [JustGrants DOJ Application Submission Checklist](#) before submitting an application for review. This checklist details each step required to prepare a complete and accurate application submission.

Completed applications and all mandatory application components must be submitted in JustGrants by July 1, 2025, by 4:59 p.m. ET. *Please note that technical support will not be available after 5:00 p.m. ET.*

To maintain the integrity of the competitive notice of funding opportunity process, the COPS Office can provide publicly available technical assistance regarding the mechanics of the application but cannot evaluate the merits of an application during the open notice of funding opportunity period.

For technical support with the Justice Grants System (JustGrants) application, please contact JustGrants Support at JustGrants.Support@usdoj.gov or 833-872-5175. JustGrants Support operates Monday through Friday between the hours of 5:00 a.m. and 9:00 p.m. Eastern Time (ET) and Saturday, Sunday, and federal holidays from 9:00 a.m. to 5:00 p.m. ET. Training on JustGrants can also be found at <https://justicegrants.usdoj.gov/training-resources>.

² Law referenced is 31 U.S.C. 1352.

Section 508 of the Rehabilitation Act

If you are an applicant using assistive technology and you encounter difficulty when applying, please contact the COPS Office Response Center at AskCopsRC@usdoj.gov. The department is committed to ensuring equal access to all applicants and will assist any applicant who may experience difficulties with assistive technology when applying for awards using the JustGrants System.

You are not required to respond to this collection of information unless it displays a valid OMB control number. The OMB control number for this application is 1103-0098, and the expiration date is April 30, 2025.

Late Submissions

The COPS Office will review on a case-by-case basis requests for late submission due to unforeseen technical issues or extraordinary events such as extreme weather emergencies or mass casualty events.

- Requests for an extension of the Grants.gov deadline must be received no later than **June 25, 2025, 4:59 p.m. ET.**
- Requests for an extension of the JustGrants deadline must be received no later than **July 1, 2025, 4:59 p.m. ET.**

No late submission requests will be considered after the extension requests deadline. Extension of deadlines is rare and is not guaranteed.

To be considered for an extension, applicants must contact the COPS Office Response Center via email at AskCopsRC@usdoj.gov detailing the technical/extraordinary issues that impact application submission. This email must be submitted prior to the deadline for which the applicant is requesting an extension. The applicant's email must include the following information:

- UEI number
- Organization name
- Point of contact name and information
- Application ID
- Nature of the issue/disaster and how it affected the applicant's ability to submit the application on time

The email subject line should read "FY25 CHP Extraordinary Circumstances: [UEI number, Agency Name, Application ID]", with your UEI number and organization name and details filled in.

The COPS Office will respond to each applicant as soon as possible with either an approval and instructions for submission or a rejection. If the technical issues you reported cannot be validated, the application will be rejected.

The following conditions are not valid reasons to request an extension:

- Failure to begin the registration process in sufficient time
- Failure to follow instructions on Grants.gov or JustGrants
- Failure of the two assigned Authorized Representatives, with the proper authority, to activate accounts in JustGrants prior to application submission
- Failure to follow all the instructions in the notice of funding opportunity
- Failure to register or update information on the SAM website
- Failure to register or complete the SF-424 in grants.gov

Late submissions may be considered for review at the discretion of the COPS Office on a case-by-case basis due to unforeseen technical issues or extraordinary events such as extreme weather emergencies or mass casualty events.

Application Review Information

The COPS Office is committed to ensuring a fair process for making awards. The COPS Office will review the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the NOFO. Applications will undergo a review and selection process, which includes a review of basic minimum requirements, scoring, community policing narrative review, administrative compliance review, and the COPS Office Director's selection. A description of each phase is provided in the following sections. Applicants are encouraged to review their own application prior to submission, with particular attention given to the Basic Minimum Requirements and each of the Review Criteria specified in the descriptions that follow.

Basic Minimum Requirements (BMR) Review

Once the NOFO closes, COPS Office staff screen and evaluate applications for compliance with basic minimum requirements (BMR).

BMR Criteria

The BMR review ensures that applicants are local, state, territorial, and tribal law enforcement agencies that have primary law enforcement authority.

Application Review

A team of reviewers will evaluate applications that meet the eligibility basic minimum requirements. The COPS Office may use internal reviewers, external reviewers, or a combination to assess applications on technical merit using the NOFO's review criteria. An external reviewer is an expert in the subject matter of a given topic area who is not a current federal employee. An internal reviewer is a current federal

employee who is well-versed or has expertise in the subject matter of the subcategory. Feedback is advisory only, although reviewer views are considered carefully. Reviewers will be asked to review applications based on the application subcategory and the NOFO's stated purpose for the funding. Reviewers will also be asked to consider the subcategory-specific solicited goals, requirements, and deliverables described in the NOFO language.

The COPS Office will make an initial determination, balancing the applicant's need for federal assistance (as measured by economic and fiscal health questions) with crime rates, the applicant's current commitment to community policing, and the strength of their proposed community policing strategy.

- **Initial Application Scoring:** Applications will initially be scored according to the following weighting methodology:
 - Fiscal Need: 33.3 percent
 - Crime: 33.3 percent
 - Community Policing: 33.3 percent

Agencies that do not meet a minimum community policing score, reflecting a basic commitment to community policing and a strategy to continue or enhance it, will not proceed to the next phase of the application review process and will not be further considered for funding.

- **Community Policing Narrative Review:** Following Initial Application Scoring, a qualitative review of each eligible applicant's community policing narrative is conducted to ensure that the proposed project sufficiently describes how the applicant plans to address their community policing and crime prevention efforts and aligns with the Problem/Focus Area selected in the application. Agencies with inadequate community policing narratives will not proceed to the next phase of the application review process and will not be further considered for funding.
- **Additional Consideration:** Following the Community Policing Narrative Review phase, initial scoring will be reviewed and adjusted for eligible applicants based on the additional considerations. Additional consideration may be given to applicants who propose a community-based approach to the following Problem/Focus areas. See the Program Description section for additional details. Agencies must describe how they will use award funds to address the problem/focus area they selected:
 - Violent Crime
 - Squatting and Encampment Enforcement
 - Homeland and Border Security
 - Nuisance and Abatement and Quality of Life
 - School Based Policing

Note: Applicants who choose one of the common sense policing problem/focus areas listed here must devote 100 percent of their funded positions to that focus area and will not be allowed to change their choice once the award has been issued.

Additional consideration may also be given to applicants that meet any of the following criteria:

- **Ending Deadly Sanctuary City Polices** - Agencies that cooperate with federal law enforcement to address illegal immigration (state and local government applicants only).
- **Safe Harbor** – Applicants in states with certain anti-human trafficking laws that treat minors engaged in commercial sex as victims (referred to as “safe harbor” laws) and permit individuals to vacate arrest or prosecution records for non- violent offenses as a result of being trafficked.
- **Catastrophic Incident** – Applicants that experienced a major disaster or catastrophic event in the time period from January 1, 2024, to present, or Attorney General–declared area in crime-related crisis.
- **Hiring Veterans** – Applicants that commit to hiring at least one military veteran.
- **Rural Designation** – Applicants from rural areas.
- **Unfunded in previous year** – Applicants that did not receive a CHP award in FY24 due to the limited availability of funding who submit a quality application in FY25.

Application scores from the Initial Application Scoring phase are adjusted, as applicable.

Note: Applicable consideration(s) is only one of many factors in making COPS Office funding decisions and does not guarantee an award.

- **Funding Recommendations and Allocations:** Following the scoring adjustments for the additional considerations, the COPS Office then calculates funding recommendations and allocations based final scores and the statutory requirement to distribute half of all hiring funds to agencies serving populations of more than 150,000 and half to those serving 150,000 or fewer, and to ensure that at least one-half of one percent of hiring funds are allocated to each state or territory with eligible applications.

Note: Applicants that requested a waiver of the local cost share (matching funds) requirement, did not receive approval for the waiver request, and selected opted for the COPS Office to NOT continue to consider the application if the waiver request is not granted are not included in this phase.

Administrative Compliance Review

All advancing applications will undergo an administrative compliance review. Past financial and programmatic performance with U.S. Department of Justice (DOJ) award funding will be considered in this review process. Past performance may affect the overall rating and ranking of an application.

Factors that may be included in the past performance review include the following:

- Applicant adherence to all special conditions in prior awards
- Applicant compliance with programmatic and financial reporting requirements
- Applicant completion of closeout for prior awards in a timely manner
- Whether the applicant has received financial clearances in a timely manner
- Applicant timely resolution of issues identified in an audit or monitoring review
- Applicant adherence to single audit requirements
- Applicant timely completion of work and use of funds in prior awards

Pursuant to 2 C.F.R. Part 200 (“Uniform Guidance”), before award decisions are made, the COPS Office also reviews information related to the degree of risk posed by applicants. Among other things to help assess whether an applicant with one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, the COPS Office checks whether the applicant is listed in SAM as excluded from receiving a federal award.

The COPS Office must also review and consider any information about the applicant that appears in the nonpublic segment of the integrity and performance system accessible through SAM.gov under Entity Information, Responsibility/Qualification (formerly FAPIIS.gov). Applicants may review and comment on any information about their organization or agency in SAM that a federal awarding agency previously entered in the designated integrity and performance system, and such applicant comments will also be reviewed and considered.

The COPS Office may contact applicants regarding budget and financial questions as part of the review process. Contact is not indicative of an award decision. Based on risk findings, the COPS Office may remove an applicant from consideration or apply additional post-award conditions for oversight of the award should it be selected for funding.

Director Selection

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Director of the COPS Office, who may also give consideration to factors including prior funding history, current award balances, population served, agency type and geographic variety, strategic priorities, past performance, significant concerns regarding ability of the applicant to administer federal funds, and available funding when making awards.

Federal Award Notices

It is anticipated that awards will be announced on or after September 1, 2025. Any public announcements will be posted on the [COPS Office website](#). All award decisions are final and not subject to appeal.

Notice of award will be sent electronically from JustGrants to the Application Submitter, Authorized Representative, and Entity Administrator. Please note that this notice of award is NOT an authorization to begin performance. This award notification will include instructions on accessing the official award package in JustGrants, enrolling in Automated Standard Application for Payments (ASAP), and accepting the award. The notice of award will contain details about the award including start and end dates, funding amounts, and award conditions. Recipients will be required to log into JustGrants to review, sign, and accept the award package. Applicants not selected for award will receive notification after all award recipients have been notified.

The Award Package

The federal award package is the document indicating your official award funding amount, the award number, the award terms and conditions, and award start and end dates. The award start date indicated in the award package means that your organization may be reimbursed for any allowable costs incurred on or after this date. The duration of award is 36 months.

Your FY25 award number is in the following format: 15JCOPS-25-XX-XXXXX-XXXX. The COPS Office tracks award information using this number; therefore, it is important to have your award number readily available when corresponding with the COPS Office.

The award terms and conditions are listed in the award package. In limited circumstances, your award package may include additional award conditions or high-risk conditions that prevent your organization from drawing down or accessing award funds until the COPS Office determines that these conditions have been satisfied. Acceptance of the award is an acknowledgement that you are obtaining federal funds from the COPS Office. As part of that agreement, your organization acknowledges that it will comply with all applicable award terms and conditions, including any award or high-risk conditions.

Administrative and National Policy Requirements

In addition to implementing the funded project consistent with the approved project proposal and budget, the recipient must also comply with award terms, conditions, and other legal requirements including, but not limited to, Office of Management and Budget (OMB), U.S. Department of Justice (DOJ), or other federal regulations that will be included in the award or incorporated into the award by reference or applicability.

The COPS Office strongly encourages applicants to review applicable requirements and terms and conditions prior to submitting an application. Terms and conditions for COPS Office awards are available on the COPS Office website in the [FY25 CHP Application Resource Guide](#). Terms and conditions are subject to change before the award is issued. The FY25 CHP Application Resource Guide contains additional requirements which apply to this application and award, including audit requirements, suspension, and termination requirements.

Terms, Conditions, and Award Requirements

In addition to implementing the funded project consistent with the approved project proposal and budget, the recipient must also comply with award terms, conditions, and other legal requirements including, but not limited to, Office of Management and Budget (OMB), U.S. Department of Justice (DOJ), or other federal regulations that will be included in the award or incorporated into the award by reference or applicability.

The COPS Office strongly encourages applicants to review applicable requirements and terms and conditions prior to submitting an application. Terms and conditions for COPS Office awards are available on the COPS Office website in the [FY25 CHP Application Resource Guide](#). Terms and conditions are subject to change before the award is issued. The FY25 CHP Application Resource Guide contains additional requirements which apply to this application and award, including audit requirements, suspension, and termination requirements.

Accepting the Award

To officially accept and begin your award, your organization must access your award package at <https://justgrants.usdoj.gov/>. Once you access your account, two Authorized Representatives will review and electronically sign the award document (including award terms and conditions and, if applicable, any special award conditions or high-risk conditions) within **45 days of the date shown on the award congratulatory letter**, unless an extension is requested and granted.

The two assigned Authorized Representatives (Law Enforcement Executive / Programmatic Official and Government Executive / Financial Official), as described in the Application Contents and Format section, are required to sign the award package. If either or both Authorized Representatives change between application submission and award receipt, the Entity Administrator will need to update the Authorized Representative(s) in JustGrants.

Your organization will not be able to draw down award funds until the COPS Office receives your signed award document. For more information on accepting your award, please visit the [JustGrants Training page](#) for step-by-step instructions.

Administrative Actions and Legal Remedies Related to Federal Awards

Please be advised that an application may not be funded or, if awarded, a hold may be placed on this application if it is deemed that the applicant is not in compliance with federal civil rights laws, is not cooperating with an ongoing federal civil rights investigation, or is not cooperating with a U.S. Department of Justice award review or audit.

Misuse of COPS Office funds or failure to comply with all COPS Office award requirements may result in legal sanctions including suspension and termination of award funds, the repayment of expended funds, ineligibility to receive additional COPS Office funding, designation on the U.S. Department of Justice (DOJ) High Risk List, and other remedies available by law.

Under the False Claims Act, any credible evidence that a person has submitted a false claim or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving COPS Office funds may be referred to the Office of Inspector General (OIG). The OIG may be contacted at oig.hotline@usdoj.gov, <https://oig.justice.gov/hotline/index.htm>, or 800-869-4499.

Remedies for Noncompliance

Under 2 C.F.R. § 200.339, if the recipient fails to comply with award terms and conditions, the Federal awarding agency may impose additional conditions or take one or more of the following actions as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the Federal award.
- Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and Federal awarding agency regulations (or, in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

Prior to imposing sanctions, the COPS Office will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Appeal procedures will follow those in the U.S. Department of Justice regulations in 28 C.F.R. Part 18. Awards terminated due to noncompliance with the federal statutes, regulations, or award terms and conditions will be reported to the integrity and performance system accessible through SAM (currently FAPIIS).

False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and any other remedy available by law.

Please be advised that recipients may not use COPS Office funding for the same item or service also funded by another U.S. Department of Justice award.

Federal Awarding Agency Contact(s)

For technical assistance with submitting the SF-424, please call the Grants.gov customer service hotline at 800-518-4726, send questions via email to support@Grants.gov, or consult the [Grants.gov Organization Applicant User Guide](#). The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

For technical support with the Justice Grants System (JustGrants) application, please contact the JustGrants Support at JustGrants.Support@usdoj.gov or 833-872-5175. The JustGrants Support operates Monday through Friday between the hours of 5:00 a.m. and 9:00 p.m. Eastern Time (ET) and Saturday, Sunday, and federal holidays from 9:00 a.m. to 5:00 p.m. ET. Training on JustGrants can also be found at <https://justicegrants.usdoj.gov/training-resources>.

For programmatic assistance with the requirements of this program, please contact the COPS Office Response Center at AskCopsRC@usdoj.gov. The COPS Office Response Center operates Monday through Friday, 9:00 a.m. to 5:00 p.m. ET, except on federal holidays.

Freedom of Information Act and Privacy Act (5 U.S.C. §§ 552 and 552a)

All applications submitted to the COPS Office (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request if DOJ determines that the responsive information is protected from disclosure under the Privacy Act or falls within the scope of one or more of the nine statutory exemptions under FOIA. DOJ cannot agree not to release some or all portions of an application/award file in advance of a request pursuant to the FOIA.

In its review of records that are responsive to a FOIA request, the COPS Office will withhold information in those records that plainly falls within the scope of the Privacy Act or one of the statutory exemptions under FOIA. Some examples include certain types of information in budgets and names and contact information for project staff other than certain key personnel. In appropriate circumstances, the COPS Office will request the views of the applicant/recipient that submitted a responsive document.

Feedback to the COPS Office

To assist the COPS Office in improving its application and award processes, we encourage applicants to provide feedback on this NOFO, the application submission process, and the application review peer review process. Provide feedback via email to AskCopsRC@usdoj.gov with the following subject line: “FY25 [Insert Program Here] Program Feedback.”

Important: This email is for feedback and suggestions only. Replies are not sent from this mailbox. If you have specific questions on any program or technical aspect of the NOFO, you must contact the COPS Office Response Center at AskCopsRC@usdoj.gov.

COPS Office Other Information

Reporting, Monitoring, and Evaluation Requirements

Reporting

If awarded, your organization will be required to submit quarterly Standard Form 425, Federal Financial Reports (FFR) as well as semiannual Programmatic Performance Reports. Recipients should be prepared to track and report program award funding separately from other funding sources (including other COPS Office federal awards) to ensure accurate financial and programmatic reporting on a timely basis. Recipients should ensure that they have financial internal controls in place to monitor the use of program funding and ensure that its use is consistent with the award terms and conditions. Good stewardship in this area includes written accounting practices, use of an accounting system that tracks all award drawdowns and expenditures, and the ability to track when award-funded positions are filled or approved purchases are made. Failure to submit complete reports or submit reports in a timely manner will result in the suspension and possible termination of a recipient’s COPS Office award funding or other remedial actions.

Monitoring

Federal law requires that agencies receiving federal funding from the COPS Office be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice.

Awarded organizations will be responsible for submitting Programmatic Performance Reports on a semiannual basis and SF-425 - Federal Financial Reports on a quarterly basis. In addition, awarded organizations will be responsible for the timely submission of a final Closeout Report and any other required final reports. All COPS Office recipients will be required to participate in such award monitoring activities of the U.S. Department of Justice, including but not limited to the COPS Office, the Office of the Inspector General, or any entity designated by the COPS Office.

Please note that the COPS Office may take a number of monitoring approaches, such as site visits, enhanced office-based award reviews, alleged noncompliance reviews, and periodic surveys to gather information and to ensure compliance. The COPS Office may seek information including, but not limited to, your organization's compliance with nonsupplanting and both programmatic and financial requirements of the award, and your organization's progress toward achieving your community policing strategy. Grant Operations staff are particularly interested in confirming that the purchase of items and/or services is consistent with the applicant's approved award budget as reflected on the Financial Clearance Memorandum and Final Funding Memorandum.

If awarded funds, you agree to cooperate with and respond to any requests for information pertaining to your award in preparation for any of the above-referenced award monitoring activities.

Please feel free to contact your COPS Office Program Manager to discuss any questions or concerns you may have regarding the monitoring, reporting, and evaluation requirements.

Program Evaluation

Though a formal assessment is not a requirement, awarded organizations are strongly encouraged to conduct an independent assessment of their respective award-funded projects. Project evaluations have proven to be valuable tools in helping organizations identify areas in need of improvement, providing data about successful processes, and reducing vulnerabilities.

Selected award recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In select jurisdictions that can support outcome evaluations, measurement of the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

Financial Management and System of Internal Controls

Award recipients and subrecipients must, as set out in the Uniform Guidance at 2 C.F.R. § 200.303, do the following:

- Establish, document, and maintain effective internal control over the federal award that provides reasonable assurance that the recipient or subrecipient is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should align with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal award.

- Evaluate and monitor the recipient's or subrecipient's compliance with statutes, regulations, and the terms and conditions of federal awards.
- Take prompt action when instances of noncompliance are identified.
- Take reasonable cybersecurity and other measures to safeguard protected personally identifiable information (PII) and other information. This also includes information the federal awarding agency or pass-through entity designates as sensitive or other information the recipient or subrecipient considers sensitive and is consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

Audit Requirement

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, Subpart F – Audit Requirements, available at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-F>, establish the requirements for organizational audits that apply to COPS Office award recipients. Recipients must arrange for the required organization-wide (not award-by-award) audit in accordance with the requirements of Subpart F.

Civil Rights

All recipients are required to comply with nondiscrimination requirements contained in various federal laws. A memorandum addressing federal civil rights statutes and regulations from the Office for Civil Rights, Office of Justice Programs will be included in the award package for award recipients. All applicants should consult the Assurances form to understand the applicable legal and administrative requirements.

Funding to Faith-Based Organizations

Faith-based organizations may apply for this award on the same basis as any other organization subject to the protections and requirements of 28 C.F.R. Part 38 and any applicable constitutional and statutory requirements, including 42 U.S.C. 2000bb et seq. The Department of Justice will not, in the selection of recipients, discriminate for or against an organization on the basis of the organization's religious character, motives, or affiliation, or lack thereof, or on the basis of conduct that would not be considered grounds to favor or disfavor a similarly situated secular organization.

A faith-based organization that participates in this funded program will retain its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law. An organization may not use direct Federal financial assistance from the Department of Justice to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An

organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Any organization providing social services supported by financial assistance from DOJ must give written notice to beneficiaries and prospective beneficiaries of certain civil rights protections. In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. Further guidance on federal financial assistance for faith-based organizations can be found at [Civil Rights | Partnerships with Faith-Based and Other Neighborhood Organizations | Office of Justice Programs \(ojp.gov\)](#) and [Equal Treatment of Faith-Based Organizations in DOJ-Supported Social Service Programs](#).

Public Reporting Burden: Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to be up to 11.3 hours per response, depending upon the COPS Office program being applied for, which includes time for reviewing instructions. Send comments regarding this burden estimate or any other aspects of the collection of this information, including suggestions for reducing this burden, to the Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE, Washington, DC 20530; and to the Public Use Reports Project, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. For any questions or comments, please contact Donald Lango, COPS Office Paperwork Reduction Act Program Manager, at 202-616-9215.

You are not required to respond to this collection of information unless it displays a valid OMB control number. The OMB control number for this application is 1103-0098, and the expiration date is April 30, 2025.

Performance Measures

To assist in fulfilling the U.S. Department of Justice's responsibilities under the Government Performance and Results Act Modernization Act (GPRA Modernization Act) of 2010, P.L. 111–352), recipients who receive funding from the Federal Government must measure the results of the work that funding supports. This act specifically requires the COPS Office and other federal agencies to set program goals, measure performance against those goals, and publicly report progress in the form of funding spent, resources used, activities performed, services delivered, and results achieved.

Performance measures for this program will include the following:

- Extent to which COPS Office award funding has increased your agency's community policing capacity
- Extent to which COPS Office knowledge resources (e.g., publications, podcasts, training) have increased your agency's community policing capacity

The objective of these performance measures is to increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for personnel, technology, equipment, and training.

Recipients will rate the effectiveness of the COPS Office funding in increasing its community policing capacity. Data will be collected on a periodic basis through performance reports.

COPS Office awards target increasing recipient capacity to implement community policing strategies within the three primary elements of community policing: (1) problem solving, (2) partnerships, and (3) organizational transformation. The COPS Office requires all applicants to describe how the personnel, technology, equipment, supplies, travel, or training requested will assist the applicant in implementing community policing strategies.

The performance measures for this program can be found at [Compliance and Reporting | COPS OFFICE](#).

As part of the programmatic performance reports, all recipients will be required to report on their progress toward implementing community policing strategies. Based on the data collected from recipients, the COPS Office may make improvements to the program to better meet the program's objective and law enforcement agency needs.

Application Checklist

Please refer to the [JustGrants DOJ Application Submission Checklist](#).



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Eric DeLaCruz, Finance

SUBJECT: Discussion, consideration, and possible action regarding **Ordinance No. 26-06-26-02**; an ordinance of the City Council of the City of Lago Vista, Texas Pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, Providing for Amendments to Ordinance No. 24-09-19-01, Municipal Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; for the addition of capital improvement projects to the city budget.

BACKGROUND: On September 19, 2024, City Council approved the Fiscal Year 2024-2025 annual budget. During the preparation and adoption of the budget, a portion of the Capital Improvement Program (CIP) was inadvertently excluded from the final budget document. Specifically, the CIP budget workbook, which outlines projects and associated funding allocations, was not incorporated into the adopted budget as intended.

Since the start of the fiscal year, the City has continued to accrue expenditures related to these CIP projects, based on planned and ongoing infrastructure and capital needs. However, these expenditures are currently occurring without formal budget authorization from Council, as required under the City’s budgetary and financial management policies.

To address this oversight and ensure all CIP-related activities are properly authorized and recorded, City staff is submitting an ordinance for Council consideration. This ordinance will amend the approved FY 2024-2025 budget to formally include the omitted CIP projects and their respective funding amounts. The amendment ensures alignment with financial compliance requirements, supports the continuation of critical infrastructure improvements, and maintains transparency and accountability in the City’s fiscal operations.

Approval of this budget amendment will formally recognize and authorize the necessary appropriations for the affected capital improvement projects, allowing staff to proceed with full

budgetary authority and ensure all financial reporting accurately reflects project activities.

FINDINGS:

Detailed below is a summary of the projects for 24-25 budget year:

Waste Water Treatment Plant

- Estimated \$2,800,000 for design – funding source CO Bond.
- Engineering contract approved by council May 16 in the amount of \$2,821,902.

Effluent Disposal

- Estimated \$6,542,000 for design and construction - funding source utility reserve.
- Construction approved by council January 16, in the amount of \$6,918,289.
- Design approved by council August 17, 2023 and amended June 20, 2024 in the amount of \$943,503.00.

Street Resurfacing

- Estimated \$8,000,000 for construction - funding source CO bonds.
- Phase 1 construction approved by council November 7, 2024 in the amount of \$3,825,269.26.
- Phase 2 construction approved by council April 17, 2025 and amended June 5 in the amount of \$3,025,503.37.

Talon Hydro Tank

- Estimated \$65,000 for design - funding source water utility reserve.
- Current estimated amount \$80,000.

Golf Course Irrigation

- Estimated \$5,000,000 for construction - funding source CO Bond.
- Current estimated amount \$100,000 for FY24-25.

Water Treatment Plant #3 Expansion

- Estimated \$3,000,000 for design.
- Current estimated amount \$150,000 for FY24-25.
- Currently awaiting award.

FINANCIAL IMPACT:

This amendment will be adding the following line items and amounts to the FY24-25 budget.

Waste Water Treatment Plant

- 30-575-9750 - \$630,000.00 from CO bonds.

Effluent Disposal

- 30-577-9750 - \$3,475,000.00 from utility reserve.

Street Resurfacing

- 40-580-8270 \$8,000,000 from CO bonds.

Talon Hydro Tank

- 40-580-8271 \$80,000.00 from utility reserve.

Golf Course Irrigation

- 40-580-8272 \$100,000.00 from CO bonds.

Water Treatment Plant #3 Expansion

- 40-580-8273 \$150,000.00 from CO bonds.

ATTACHMENTS:

[ORD No 25-06-26-02_Budget_Amendment_CIP_FINAL-](#)

ORDINANCE NO. 2025-06-26-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS PURSUANT TO VERNON'S TEXAS CODES ANNOTATED, LOCAL GOVERNMENT CODE, CHAPTER 102, SECTION 102.007(b) PROVIDING FOR AMENDMENTS TO ORDINANCE NO. 24-09-19-01, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; AMENDMENTS TO SAID BUDGET BY DEPARTMENT ARE SET FORTH IN "EXHIBIT A" ATTACHED TO THIS ORDINANCE.

WHEREAS, the City of Lago Vista has approved certain capital improvement projects for inclusion in the current fiscal year budget; and

WHEREAS, it is in the best interest of the City to amend the current fiscal year budget to allocate funds for these projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. AMENDING BUDGET. THAT, pursuant to Vernon's Texas Codes Annotated, Local Government Code, Chapter 102, Section 102.007(b) the City Council of the City of Lago Vista, Texas hereby amends the City Budget by Department for the Fiscal Year beginning October 1, 2024 and ending September 30, 2025 with said amendments being as set forth in "**Exhibit A**" attached to this ordinance.

SECTION 2. SAVINGS CLAUSE. THAT, any ordinance, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

SECTION 3. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity,

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 8. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 26th day of June 2025 by a vote of the City Council of the City of Lago Vista, Texas.

Kevin Sullivan, Mayor

ATTEST:

Susie Quinn, Interim City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved.

EXHIBIT "A"

City of Lago Vista 2024-2025 Budget

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Waste Water Treatment Plant				
WWTP Expansion Type 2	30-575-9750	\$ -	\$ 630,000.00	\$ 630,000.00
*CO Bonds				

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Effluent Disposal				
Effluent Pond Rehabilitation	30-577-9750	\$ -	\$ 3,475,000.00	\$ 3,475,000.00
*Utility Reserve				

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Capital Improvement				
2025 Street Resurface-CO Bonds	40-580-8270	\$ -	\$ 8,000,000.00	\$ 8,000,000.00
*CO Bonds				

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Capital Improvement				
Talon Hydro Tank	40-580-8271	\$ -	\$ 80,000.00	\$ 80,000.00
*Utility Reserve				

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Capital Improvement				
Golf Course Irrigation	40-580-8272	\$ -	\$ 100,000.00	\$ 100,000.00
*CO Bonds				

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
Capital Improvement				
Water Plant Expansion	40-580-8273	\$ -	\$ 150,000.00	\$ 150,000.00
*CO Bonds				



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: June 26, 2025

SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT: Discussion, consideration, and possible action regarding the need for Legal Counsel to attend all quasi-judicial Board and/or Commission meetings.

BACKGROUND: Planning & Zoning Commission (P&Z), Building & Standards Commission (BSC) and Board of Adjustment (BOA) are all quasi-judicial boards and/or commissions and need legal advise at some of their meetings. Direction is needed for determining if Legal Counsel should attend the meetings in person or if virtual attendance is acceptable.

FINANCIAL IMPACT: To Be Determined (TBD) as physical presence does cost the city more than virtual presence.

RECOMMENDATION: Direction to Legal Counsel regarding requirement of on-site or off-site attendance for all quasi-judicial Board and/or Commission meetings.