

# Lago Vista Charter Review Committee

## FINAL REPORT

April 1, 2009

### Preamble

The Preamble states clearly the intent of the people of Lago Vista to empower the City with the authority and powers of local government that are “not inconsistent with state law”, and to reserve powers to the people as provided in the Charter. In all cases the Charter Review Committee (hereafter referred to as “the Committee”) has attempted to identify any areas where Texas State Law preempts the directives of the Charter, and has measured operations by their adherence to State Law.

### Article I Incorporation, Form of Government and Boundaries

This article was found to be satisfied in all respects by current City operations. Sect. 1.01 contained no data points for verification. Section 1.02 identifies the Form of Government as Council-Manager. The primary purpose of Sections 1.03 and 1.04 are to establish City boundaries and procedures for annexation and disannexation. It was noted that in this case the Charter only calls for one public hearing on annexation, where the Texas Local Gov’t Code 43.063 calls for two. As in all cases, a more restrictive state law preempts the directives of the Charter, so a review of all annexation proceedings was completed. It was found that between November 2004 and March 2009 the Lago Vista city boundary has been modified 9 times. Having verified that each modification took place by annexation (or disannexation in the case of Poe/Redwine), the dates of notices and hearings were validated. All have taken place in accordance with the directives of the Charter and Local Gov’t Code. Per county records, all taxes on lands under disannexation proceedings are current.

### Article II Powers of the City

This article was found to be satisfied in all respects by current City operations. Sections 2.01 and 2.02 are general sections providing for the powers of the City. Section 2.03 directs the City in exercising eminent domain and zoning. As the City has not passed an ordinance specifically establishing the process and procedures for valuing property, the Charter directs that State law be followed. The power of eminent domain/ condemnation has not been exercised in the last four years. There was one incident (Ref: Resolution 07-1359) where intent to exercise was stated, for the public purpose of treatment and disposal of sewage. The Committee finds that public purpose would have been satisfied, per Local Gov’t Code Chapter 27.

Per City staff, the officially approved zoning map (Sect. 2.04) produced in 1997 is still in effect due to lack of technical (digital) capability. Hand drawn revisions to the map done in 2005 and 2008 are being used for informational purposes. Staff is currently attempting to develop in-house digital mapping capability so that up to date zoning maps can be produced immediately on approval of zoning changes. Currently, the master source for zoning is the document “Zoning Codes”, which lists zoning for each lot within the City. In the Committee’s judgment this satisfies Charter directives.

In satisfaction of Sect. 2.05 the Committee did not identify any abatements or changes in city operations due to the adoption of the Charter other than those intentionally set out to be changed by implementation of the Charter (reference Sect. 3.22 Transition, as example). Section 2.06 empowering the City to control streets and public property had no verifiable data points and so is also satisfied.

### Article III The City Council

This article is not satisfied in all respects by city operations. The first four sections of this article have to do with organization, qualifications, and election of the city council. The general elections in the past four years have been run according to the directives of Sect. 3.01

Section 3.02 regarding Qualifications was found to be satisfied by current City operations. However, the Committee did note an inconsistency between this section and a later article covering recalled Council Members. In Sect. 6.10 it states that a Mayor or Council Member, having been recalled, is unable to succeed himself/herself in the election called to fill the vacancy thus created. Nowhere in the Charter does it state that a candidate is ineligible to run for office subsequent to being removed for cause (as per Sect. 3.08) from that office. Texas Local Gov’t Code 21.032 bars reelection of a city official for 24 months if removed from office in a general law city. Although not a formal recommendation of this committee with regards to the Charter, this may be something that the Council should wish to consider.

The Committee did find issues with the judgment of qualifications of elected officials, as stated in Section 3.03. This section requires the Council to “act properly as the Judge of City election qualifications”. The procedure currently in place for City Council candidates was found by the Committee to be as follows: the City Secretary receives the application of a prospective candidate. After reviewing it for completeness, she adds the individual’s name to the list of candidates. This list, when complete, is forwarded to the City Manager and thence provided to the City Council. The Committee was unable to identify any point at which the Council judges the qualifications of a candidate. This responsibility has also not been formally delegated to City staff.

**The Committee recommends that the Council review and approve the qualifications of potential elected and appointed candidates and city officials in accordance with Sect. 3.03.**

The Committee found no problems in the areas of compensation (Sect. 3.05) as the council is not compensated other than approved travel expenses (Ref Ord. 03-01-23-05). The Mayor has not been granted any additional powers (Sect. 3.06). Also, vacancies (Sect. 3.07) have been correctly handled as was demonstrated by the procedures during resignation and replacement of Council Member Fred Harless (Ref Res. 07-1321) and more recently Council Member Susan Euresti (Ref Res. 09-1403 and 1404).

Section 3.08 Removal from Office refers to an Ethics Ordinance, which is a requirement established later in the Charter in Sect. 11.05. Review with City staff showed no such ordinance in place. This issue was referred to staff in October 2008 and action is being taken to resolve it.

Section 3.09 describes a temporary “line of succession” in the case of loss of a quorum of the Council. During initial Committee review, this line of succession posed a potential problem for the City. The line of succession falls on the individuals currently serving as Chairs of the following organizations: Planning and Zoning Commission, Board of Adjustment, Roads and Grounds Committee, and Building Committee. Currently, there are no stated qualifications for the Chairperson other than those for membership in the committee itself. In Charter Sect. 7.02 the Council has the power to waive voter and citizen requirements for committee members. The difficulty was compounded by the fact that the committees may elect their own Chairpersons. Thus the potential for a temporary Council Member who does not reside in the City existed.

The Committee referred this issue to staff in early October 2008 and notes that recently two ordinances were passed which resolve the issue. Ord. 08-12-18-01 now requires that the Council appoint chairpersons of the P&Z Commission, Board of Adjustment, and Roads and Grounds Committee. Ord. 09-02-05-02 does the same for the Building Committee. It is presumed that the council will verify the qualifications of these appointees in the same manner as it does for elected officials, in accordance with Sect. 3.03.

There were no verifiable data points identified for dual office holding (Sect. 3.10). Section 3.11 requiring regular Council meetings with proper notification was verified by review of minutes and found to be satisfactory, as was the existence of quorums (Sect. 3.12). Ordinance 05-12-15-01 establishes procedures for conducting council meetings as called for in Sect. 3.13. The Committee was able to verify that Council votes are made and recorded in minutes as directed in Sect. 3.14. Section 3.15 sets out the requirements for passage of ordinances and for City purchases, from budget to procurement. A review of two sample purchases throughout the budgeting and procurement cycle show that City

procedures are satisfactory, according to the Charter and to Ord. 85-7-17-3 which establishes the procedure for purchasing.

Sect. 3.16 - Procedure to Enact Legislation is not completely satisfied by current City operations. Legislation in the form of ordinances and resolutions are enacted per the directives of this section; as verified by a review of a random selection of ordinances and resolutions enacted in the last 12 months. The votes are also properly recorded and authenticated by the Mayor. The Charter requires the Council to devise a method whereby these ordinances “shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council”. The Committee found that two registers are maintained by the City Secretary, one for ordinances and one for resolutions. Although this seems to meet the needs of the staff; this procedure has not been approved by the City Council, as required by the Charter.

**The Committee recommends that the City Council approve a procedure to direct how ordinances are recorded and indexed in accordance with Sect. 3.16.**

A review of samples of enacted ordinances has proved that they are published in the local media as stipulated by Sect. 3.17. Section 3.18 had no verifiable data points as it directs the holding of emergency meetings and passage of emergency ordinances, neither of which has taken place in the last four years. Price lists for copies of ordinances prove that they are available to the public for purchase as is required in Sect. 3.19. Section 3.20 regarding resolutions and minute orders was investigated by reviewing sample resolutions to determine whether they were used for allowed purposes and not substituted where an ordinance is required (as stated in Sect. 3.15). The directives of this section are satisfied by current City operations.

Sect. 3.21 establishes the Council as an “investigative body” able to inquire into the conduct of any employee, officer, department or office of the city. It requires an ordinance establishing investigative procedures to accomplish this task. No such ordinance was found, making city operations unsatisfactory as pertains to this section of the Charter.

**The Committee recommends that the City Council enact an ordinance establishing its investigative procedures and penalties for failure to comply in accordance with Sect. 3.21.**

The last three sections are all found to be satisfied in current operations. The transition from five to six council members and accompanying changes in voting took place at the next general election (May 2005) after the Charter was approved. Section 3.23 had no verifiable data points. In Sect. 3.24 the Committee was told of a few reported violations of the portion describing the rights of Council members to interact with the Mayor and City employees, however they were promptly corrected by the City Manager.

#### Article IV Administrative Services

This article is not satisfied in all respects by current City operations.

Sect. 4.01 covers the appointment and duties of the City Manager. Among verifiable data points is the requirement that he/she “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 absence”. No such letter exists.

**The Committee recommends that a letter establishing the administrative officer to perform the duties of the City Manager in his absence be written and approved by Council to be in accordance with the Charter Sect. 4.01.**

Section 4.02 covers the duties of the City Secretary. It covers some of the same area of record keeping as does Sect. 3.16, but in more detail. It directs the City Secretary, to “keep an accurate register of all laws, resolutions and ordinances” and to “take charge of and preserve the books, pages, documents, files, contracts and other records” including bonds and bills. While not specifically requiring a Records Management Plan, the Committee in its research found that the Council has previously approved (Ref: Ord. 90-06-21-06) the need for such a plan, with the City Secretary defined as the Records Management Officer. To date, this plan has not been developed or approved by the Council as per the ordinance. Although not a formal recommendation of this committee with regards to the Charter, this may be something that the Council would wish to pursue.

From an organizational standpoint, there is a misnomer regarding the employees who act as backup for the City Secretary.

**The Committee recommends that the position of “Assistant Deputy City Secretary” be re-designated as “Assistant City Secretary” in accordance with Section 4.02.**

The Municipal Court appears to be operating in accordance with Charter directives (Sect. 4.03) in the areas of appointments, approved compensation for judges (none), and payment into the City Treasury of all costs, fees, expenses and fines. The Committee identified one issue regarding the titles of judges. The Charter calls for a Municipal Judge and one or more Associate Judges. Currently all Judges are appointed as “Municipal Judge”. This issue was raised in September 2008, and the Committee notes that it has since been rectified, by establishing Municipal Judge Thompson and Associate Judges Jones and Farmer.

The appointment and qualifications of the City Attorney are in accordance with Sect. 4.04 of the Charter, as proven through review of pertinent minutes and confirming documentation.

Sect. 4.05 City Police was found to be satisfactory with the exception of the establishment of written police procedures approved by the City Manager. This issue was raised in September 2008, and has since been rectified as evidenced by a new signature page on the document.

Human Resources procedures are in compliance with Charter directives (Sect. 4.06). The City's "Personnel Policies and Procedures" were originally adopted in 1998 (Ref: Ord. 98-06-18-01) and contain a nepotism policy that addresses the hiring of relatives in accordance with the Charter. However the Committee notes there is a potential for conflict in the nepotism policy in the case of candidates for election. As stated in the Charter, a relative of a Council Member or City Manager cannot be hired or appointed by the city. However the reverse is not prohibited, meaning that a relative of a current city employee or appointee can be elected to City office. The Committee notes that either situation results in the potential for nepotism. The Council may want to consider a review of the nepotism policy to determine if this is problematic.

The last section of this article (Sect. 4.07) addresses the creation of departments, which must be done by City Council Approval. It was found that departments of the City are established either by ordinance or by inclusion in the annual budget; which is approved by City Council. Either method was found to be satisfactory and in accordance with the Charter.

#### Article V Nominations and Elections

This article was found to be satisfied in all respects by current City operations, when changes in State law are taken into account. City Elections (Sect. 5.01) state that they will be held on the first Saturday in May, however this is preempted by a 2005 change in Local Gov't Code 41.001 requiring the uniform election date of the second Saturday in May. These elections have been properly published and held, and election judges are appointed correctly. In April of 2008 the City contracted with the County of Travis to run the elections and take over the duty of election judge. This contract fulfills the Charter requirement. Specific directives (Sect. 5.02) regarding write-in names on ballots are satisfied even with the use of voting machines as per Local Gov't Code 146.001. Although the Charter requires canvassing to be done between 3-8 days after the election, State election code 67.0003 calls for canvassing to be done 8-11 days after the election. Review of minutes show that canvassing is done correctly per State law. No run-offs have occurred in the last four years (Ref: Sect. 5.04).

#### Article VI Initiative, Referendum and Recall

As no action of initiative, referendum or recall has been initiated in the last four years, this article was unable to be verified. For purposes of this review, this article was found to be satisfied in all respects by current City operations.

### Article VII Boards and Commissions

This article is not satisfied in all respects by current City operations.

Section 7.01 requires that boards and commissions be created by ordinance. During review of City operations, it was found that there has been no consistency in the way that boards and commissions have been created. Some were created through resolutions (ex: Economic Development Foundation Resolutions 02-1062 and 07-1343); some through ordinances (ex: Airport Advisory Board Ord. 05-02-17-01); and others had no apparent vehicle of creation. (Please refer to Working Document Article VII for a complete list of boards, commissions, and committees identified.)

This lack of consistency was communicated to staff in December of 2008. Recently, ordinances have been passed that solve these problems. Ordinance 08-12-18-01 amends the appropriate actions and establishes the following: Planning and Zoning Commission, and Roads and Grounds Committee. Ordinance 09-02-05-02 does the same for the Building Committee. These satisfy the directives of Sect. 7.01. However, there is one additional problem with this Section that must be resolved. The last sentence reads: “The term of each appointee shall be as described in the enabling ordinance.” This would require an amended ordinance each time an individual is appointed to one of these boards and commissions, a needless encumbrance.

**The Committee recommends that the last sentence of Charter Section 7.01 be changed from “The term of each appointee shall be as described in the enabling ordinance” to “The term of office for each member shall be as described in the enabling ordinance”.**

Section 7.02 sets the qualifications for members of city boards and commissions and also allows City Council to grant waivers of voter and residency requirements in certain cases. The Committee was unable to verify a procedure whereby prospective board members are vetted but presumes that the City Council liaison performs this process, however it would be more in line with the Charter to formalize this process of vetting. (It is also important to reiterate that the waiver of voter and residency requirements for the Roads and Grounds and Building Committee members may affect line of succession as per Section 3.09.)

Section 7.03 establishes the duties and responsibilities of the Planning and Zoning Commission, a major function of which is the creation, implementation, review and recommendation to City Council of the Master Plan. During its review of the actions of

the most recent Master Plan Review Committee (created in 2006) it was found that the Planning and Zoning Commission did not materially participate in the review nor did they support or recommend the revised plan to the City Council for approval. However the City Council did approve the revised Master Plan by resolution (ref: Res. 08-1382).

**The Committee recommends that the City Council clarify the role of the Planning and Zoning Commission in the Master Planning process in accordance with Sect. 7.03 (b).**

Sections 7.04 establishing the Board of Adjustment and 7.05 establishing the Roads and Grounds Committee were found to be satisfactory in current City operations. In discussion with City staff a request was made to simplify the management of city records. Currently Sect. 7.04 requires that Board of Adjustment rulings shall “be filed in the office of the building official and city Secretary”. This duplication of records is not generally feasible as there is a possibility that they could get become inconsistent. However, there are two distinct purposes for each set of records. The City Secretary maintains one as part of the official set of documents. The Building Department maintains these rulings sorted by address so that they are easily accessible to the public. Therefore duplication of records in this case is a benefit to the City.

Section 7.06 establishing the Building Committee is not satisfied in all respects by current City operations. The purpose of this committee as stated is “to create and maintain a set of aesthetic guidelines for buildings and grounds in the City and to perform such functions and duties as required by the enabling ordinance and as directed by the Council”. The Committee was unable to locate the set of aesthetic guidelines or any evidence of deliberations on aesthetic guidelines by the current Building Committee.

During its deliberations the history of the Building Committee was documented. Originally established in 1985 as the Committee of Building and Safety (CBS), ordinances in 1991 (ref: Ord. 91-12-19-01) and 1996 (ref: Ord. 96-06-20-03) attempted to abolish the CBS and create in its stead the Commercial Architectural Control Committee. In 1997 a resolution (Res. 97-784) renamed this committee to the Building Committee. It is unclear to the Committee whether a resolution can amend an ordinance. It is also unclear whether any of these prior incarnations of the Building Committee are in fact legally still in existence.

Having brought this to the attention of staff in December 2008, the Committee notes that Ordinance 09-02-05-02 abolishes the prior legislation and establishes the Building Committee once and for all. The creation and purpose of the Committee are also clearly spelled out. However, passage of this ordinance created another conflict with the Charter Sect. 7.06. This section clearly states that the “Building Committee is established to create and maintain a set of aesthetic guidelines for buildings and grounds in the City...” The ordinance, on the other hand, states, “The building committee may also make



recommendations to the City Council concerning aesthetic guidelines or standards” (emphasis added). Clearly this is not consistent with the Charter.

**The Committee recommends that the City Council consider the requirement for the Building Committee to establish aesthetic guidelines; and resolve the discrepancy between Ordinance 09-02-05-02 and Charter Section 7.06.**

Article VIII Financial Procedures

This article is not found to be satisfied in all respects by current City Operations.

Sections 8.01 through 8.03 covering the fiscal year, submission of budget and budget message were found to be satisfied. The Committee does recognize that although the Charter specifies that the budget be submitted before August 1<sup>st</sup> of each year; this is often unachievable due to the lateness of Travis County tax revenue figures. As all efforts are made by City Staff to achieve the August 1<sup>st</sup> deadline, and the past 3 years have seen the budget submitted no later then 7 days after the deadline, it is not the opinion of the Committee that the Charter date needs to be revised.

Section 8.04 was originally not satisfied by City operations, as it specifies that the budget must contain “a description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest and maturity date”. In budgets for 2007 and 2008 these details were not included. However, in 2009 these details were added in response to a preliminary recommendation of the Committee.

Sections 8.05 specifying public hearings prior to vote, 8.06 setting the rules for amendment to the budget, and 8.07 directing the process for lapse of appropriations were all satisfied by current city operations.

Section 8.08 describes the Capitol Improvement Plan (CIP) and how it is to be prepared. In a review of recent Five-year CIP’s it was determined by the Committee that an update had not been provided to the Plan since 2006, although public hearings had been held during those intervening years. Upon a preliminary recommendation by the Committee: the 2008-2013 CIP Five Year plan was approved by the Council on 10/02/08 and is recorded with such approval. This satisfies the terms of the Charter.

Section 8.09 regarding availability of Public Records is satisfied. Section 8.10 – 8.13 set out the requirements for issuance of bonds and other financial obligations, all of which are satisfied by current City operations.

Section 8.14 states the requirement “that the interest and sinking fund for each bond issue shall be deposited in a separate account”. The City maintains every obligation’s annual principle and interest payments in a combined I&S fund, with the I&S fund for each bond

issue identified by separate schedules or sub-accounts. The Committee has concluded that this does not satisfy the Charter requirement for separate deposits. Ordinances issuing bonds in 2005, 2006 and 2008 echo this requirement, as for example ordinance 05-04-07-01, which states “The City hereby establishes a special fund or account, to be designated the ‘City of Lago Vista, Texas, General Obligation Refunding Bonds, Series 2005, Interest and Sinking Fund,’ said fund to be maintained at an official depository of the City separate and apart from all other funds and accounts of the City.” Legal opinions from the City Attorney and Bond Attorney conclude that separate schedules or sub-accounts satisfy State Law and the Charter. Less restrictive state law is satisfied by the accounting procedure of setting up a separate sub-account for each bond issues’ interest and sinking fund. However, the Committee finds that the more restrictive requirements of the Charter are not satisfied by this procedure.

**The Committee recommends that the “interest and sinking fund for each bond issue shall be deposited in a separate account” in accordance with Section 8.14.**

Sections 8.15 requiring an independent audit, as further restricted by Local Gov’t Code section 103.003 requiring the audit to be complete within 180 days after close of fiscal year, is satisfied. Section 8.16 governing purchasing as well as state law governing the competitive bid process are both satisfied by current city operations.

#### Article IX Taxation

This Article was found to be satisfied in all respects by current City operations. The Charter defers directly to state law as the governance for levying taxes. The Committee reviewed the pertinent sections of the Texas Tax Code for compliance. The powers of taxation, procedures for collection and levying of tax lien and liability are found in Title 1 Property Tax code, and Title 3 Local Taxation. Review of city operations found them to be in accordance with these statutes. A 1985 agreement between the City of Lago Vista and Travis County for local collection of taxes is still in effect and is also in accordance with state law and the Charter.

#### Article X Franchises and Public Utilities

This Article was found to be satisfied in all respects by current City operations. Section 10.01 provides among other things for the levying of impact fees and utility rates and fees for water/sewer service. The most recent license agreement, reached with Sonterra Energy in January of 2008, is found to be in accordance with Sect. 10.02. Existing franchise agreements for electricity, telephone and cable service are in agreement with Sect. 10.03. Sections 10.04 thru 10.10 covering the execution of franchise agreements for public utilities and services have been in all cases satisfied by current City operations. Section 10.11 requires a general vote in the selling or leasing out of a public utility, park or recreation facility – such has not occurred. Section 10.12 regarding “Contracts

Concerning City Property” was satisfied during the only such contract to take place; occupying of a small section of city right of way by a rock wall and sign.

### Article XI General Provisions

This article is not satisfied in all respects by current City operations.

Section 11.01 describes the manner that an oath of office is to be administered to city officers and elected officials. Elected officials are always administered the oath of office by the City Secretary, as she is empowered by State Law to do so. However for City Officials, both the definition of who is a City Official and the administration of oaths varies widely. Some agreement is found between the Charter Art. IV and State Gov’t Code (various) in the definition of the following City Officials: City Manager, Assistant City Manager, Chief of Police, City Secretary, City Attorney, Judges, and the Court Clerk.

The Committee brought this to attention of City staff in February of 2009 and action has been taken to rectify the problem. As of March 18<sup>th</sup>, the following City Officials have taken the Oath of Office: Mayor and all Council Members, all city employees who are department heads and above, and all Municipal Judges. The city attorneys will also be taking this oath if they have not already done so.

Section 11.02 states that “the City may require good and sufficient bond or equivalent be given by appointed officers or employees handling the funds of the city.” The only bond requirement found was a \$1000.00 surety bond for the Police Department as defined in the Lago Vista Code of Ordinance (Chapter 1 General Provisions/Article 1.1700 Police Department). This bond has not been purchased.

**The Committee recommends that in the interest of public safety, the City Council consider the purchase of bonds for employees handling the funds of the City in accordance with Section 11.02.**

Section 11.03 makes the records of the City available for public inspection, and the Committee established that they are available, based on a published fee schedule. A procedure is also in place to respond to public record requests which can not be made public (such as employee personal information) per State Gov’t Code 552.

Section 11.04 regarding conflicts of interest and standards of conduct is not satisfied in all respects by current City operations. While a “Conflict of Interest Questionnaire” does exist, there is no set procedure whereby it is administered.

**The Committee recommends that “rules, procedures and methods of enforcement and penalties relative to conflict of interest and equal treatment” be added to the Ethics Ordinance to bring it into accordance with Sect. 11.04.**

Section 11.05 establishes the requirement for the Ethics Ordinance, which was earlier referred to in Sect 3.08. As of this writing the Committee understands that the drafting of an Ethics Ordinance is currently underway and targeted to be in place by early June 2009.

**The Committee recommends that the Council approve an Ethics Ordinance in accordance with Section 11.05**

Section 11.06 regarding acceptance of gifts was found to be satisfied in all respects by current City operations, as no violations have been reported.

Section 11.07 Notice of Claim Against City. This section was found to be satisfied in all respects by current City operations. Sub Sect. A establishes a 90-day window for individuals to report a claim or suit against the city. Sub Sect. B establishes a 30-day waiting period between an individual notifying the city that they will be filing a claim or suit and date the action is filed. Review of claims during the last year showed that they had been made in the 90-day window as required. Per the City Attorney there have been two suits against the City in the last four years. One had proper notification. The other did not, and lack of notification was part of the City’s defense.

Section 11.08 regarding Garnishment was found to be satisfied in all respects by current City operations, as no violations have been reported.

Section 11.09 requires the City Council to be the “sole authority” to compromise and settle any and all suits and claims. The Council, in executive session, considers the disposition of suits, with instructions given to the City Attorney in open session. However, the Texas Municipal League is under contract to the City to settle all claims, and can do so without Council approval. This is not in accordance with Charter instructions.

**The Committee recommends that this sentence be added to Charter Sect. 11.09 “The City may at its discretion contract with any qualified entity for the negotiation and settlement of claims.”**

Sections 11.10 and 11.11 covering bribery (prohibited) and political activities of City Officers and Employees (prohibited) are satisfied in all respects by current City operations. Section 11.12 Separability contains no verifiable data points and so is found to be satisfied. Section 11.13 covering Charter Amendments by general vote is satisfied with no occurrence. The Charter Review Committee is making every effort to abide by the instructions set out in Section 11.14.

Sections 11.15 through 11.17 are general instructions as to the construction, reservations, and applicability of general laws to the Charter and with no verifiable data points are found to be satisfied.

The last section (Sect. 11.18) requires the submission of the original Charter to voters, which was properly done in November of 2004 (Ref. Ord. 04-11-10-01). In addition, this section requires that the Charter shall be “fully operable within one (1) year after adoption.” This section is not satisfied due to the various recommendations for compliance in this report. It is highly recommended by the Committee that recommendations be reviewed and implemented as quickly as possible.

End of Articles

Final Recommendation

**The Committee recommends that a Table of Contents be added to the Charter.**

End of Report