

CITY OF LLANO CITIZEN COMPLAINT FORM

FORM 025A-D7 / 6-83

INSTRUCTIONS: Read this form and the instructions attached carefully before completing. All questions should be answered. However, if you do not know the answer, or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Your complaint should be signed and dated and, if possible, notarized. Where more than one individual or organization is filing the same complaint, each additional individual or organization should complete boxes 1 and 7 of a separate complaint form and attach it to the original form, but the other boxes need not be completed if the information is the same as in the original. Complaints may be (1) mailed to City Secretary (person), or (2) filed or presented in person at 301 W. Main Street Llano Texas (place).

FOR CITY USE ONLY
 Number _____
 Date _____
 Filing Date _____
 DATE OF PRIOR ACTION, IF ANY _____
 PRELIMINARY DETERMINATION _____

PLEASE TYPE OR PRINT

Telephone Number _____

1. Name of aggrieved person or organization
Sewell, Marc 108 Summit, Llano, Llano County TX 78643
(Mr. Mrs. Miss) (Last Name - First Name - Middle Initial) Street Address City County State ZIP Code

2. Who is this complaint against?
Lewis, Brenton 301 West Main St, Llano, Llano County, TX 78643
Name (Last Name - First Name - Middle Initial) Street Address City County State ZIP Code Telephone Number

Is the party named above a: (Check applicable box or boxes)

City Employee Council Member Contractor of the City Other

Name and identify Others (if any) you believe violated the law in this case:

Mayor Virdell, City Attorney Bovey, City Secretary Milam, Cindy Gutierrez of Taylor & Associates,

3. What did the person you are complaining against do?
 Submitted an incomplete and flawed application for a TxCDBG 2015-2016 Planning Grant Application submitted on 3/9/15 and failed to properly follow the grant process. See attached document for details.
 When did act or acts occur? (Be sure to include most recent date, if several dates are involved)

4. Do you believe there was discrimination because of? (Check applicable box and write your race, color, religion, sex or national origin on the line below the box checked)

Race or Color Religion Sex National Origin

5. Please review the following and check the applicable box or boxes if they apply to your case.

The City has described its housing and community development needs in a manner clearly inconsistent with available facts and data; The activities proposed by the City are clearly inappropriate to meet the City's needs and objectives;

The City has not complied with TxCDBG program requirements; The proposed activities are not eligible for TxCDBG grant assistance.

6. Summarize in your own words what happened. Use this space for a brief and concise statement of the facts. Additional details of what happened may be provided on an attachment.
 Submitted an incomplete and flawed application for a TxCDBG 2015-2016 Planning Grant Application submitted on 3/9/15 and failed to properly follow the grant process. See attached document for details.

7. I swear or affirm that I have read this complaint (including any attachments) and that it is true to the best of my knowledge, information and belief.

3/16/15 *Marc Sewell*
(Date) (Sign your name)

8. Subscribed and sworn to before me this _____ day of _____, 20____ NOTARIZATION:

(Name) (Title) SEAL

IF IT IS DIFFICULT FOR YOU TO GET A NOTARY PUBLIC TO SIGN THIS, SIGN YOUR OWN NAME AND MAIL IT WITHOUT NOTARIZATION. THE CITY WILL HELP YOU GET YOUR COMPLAINT SWORN TO.

**Complaint Regarding City of Llano Application for
TxCDBG 2015-2016 Planning Grant Application
submitted on 3/9/15**

This complaint is based on the incomplete information provided by the City from a Public Information Request I submitted on 2/3/15 - which remains incomplete.

Errors and omissions in the grant application:

1. The City Council meeting notifications for the grant were in violation of the Texas Open Meetings Act as described in [Petition for Writ of Mandamus](#).
2. The citizen notifications for the hearing and the grant were in violation of the *TxCDBG Block Grant Program 2015-2016 Community Development Fund Application Guide*:
 - a. The hearing notice did not contain the purpose or the amount and the referenced documents were not available, explained, or discussed - even with a PIA Request.
 - b. The hearing notice did not specify that the planning grant was for a "Comprehensive Plan" which was only divulged after the public hearing.

A "comprehensive plan" is known language as defined by Texas Local Government Code §213.001. It is beyond doubt that a Comprehensive Plan was the objective of the grant project as shown by the written minutes of the meeting, the final minutes of the meeting, and the video of the meeting. It is also urgent for the city to create a Comprehensive Plan prior to the "complete overhaul" of the zoning ordinance that is nearing completion and important for the mayor to complete before his term ends next quarter.

There are many citizens who have and would volunteer for a Citizen Advisory Committee for the Comprehensive Plan (or any city planning) had it been announced prior to the vote on the grant for a Comprehensive Plan. Thus, the notices were insufficient to describe the intent of the grant.

- c. The notices say that the application was available but it was not. Even a Texas Public Information Act request to the city did not produce the application until after it was submitted.
3. Additional notification was required because the grant is for a Comprehensive Plan as described in the TDA document "COMPREHENSIVE PLANNING FOR SMALL TEXAS CITIES." See article on [citizen participation in the comprehensive plan](#).
4. Documents were requested by Publication Information request and not all were delivered. A complaint to the Attorney General's Office is in progress.

5. The application was submitted on 3/9/15 but was due on 2/27/15. Thus, the deadline was missed. Texas Public Information requests to the City of Llano and the Texas Department of Agriculture did not produce any documentation on “extenuating circumstances” required to extend the date.
6. The city violated Citizen Participation Plan articles #1 (no encouragement of citizen participation), #2 (no information on use of funds), and #4 (no attempt to obtain citizen views, no review of needs, no review of proposed activities).
7. The city violated Public Hearing Provisions article 1 (topics not included in notice).
8. General application errors:
 - a. Project Approval Information, question 4 was answered incorrectly. Since the project is city-wide and the Comprehensive Plan covers all zone districts, there are at least 4 sites on the National Register of Historic Places.
 - b. Top of page 5 says that the needs in this application were determined by a public hearing on 12/1/14. This is not true. The public hearing was on the agenda but the needs were neither articulated nor determined.
 - c. Page 7, Table 1, Row 1, says the city is in “desperate need” for accurate maps portraying land use. This is not true. We have a very expensive GIS system that provides mapping and usage. We also have a map of housing condition. This is a town of 3,000. Haven’t we spent enough on this? Why can’t our current GIS system provide the necessary information?
 - d. Page 7, Table 1, Row 2, says the city needs to classify and inspect its streets ... This was done last year with cost assessment and presented to Council. What additional detail is needed?
 - e. Page 7, Table 1, Row 3, says we need a wastewater study. We have had numerous engineering studies and proposals and, I thought, were already on a trajectory to upgrade the sewer plant. Is this just another study that we won’t implement?
 - f. Page 8, Table 1, Row 3, says we need a digitized map. Is this different than #10 above and why isn’t our GIS sufficient for 3000 people?
 - g. Page 9, question 1, are there any persons with a reportable financial interest to disclose? This question was not answered. Please answer. Please consider Mayor Virdell’s interest, realtor and property owner, in a comprehensive plan.
 - h. The Citizen Participation section on page 27 doesn’t have any citizens participating even though there are citizens who formally volunteered to participate but were not included or notified. Had they known the true intention of the grant, they would have come forward.
 - i. The Citizen Participation Plan neither “provides for” nor “encourages citizen participation” as required. The plan merely allows for notification which they didn’t even do.

Documentation:

- [Grant application submitted on 3/9/15](#) delivered in response to Public Information Request which requested all documentation submitted as well as preliminary document from Council meeting
- [Article on Citizen Participation](#) referencing Texas Department of Agriculture Manual
- [Article on illegal meeting for grant](#)
- [Email requesting a retraction of the grant application](#)
- [Letter to Council requesting a revote](#)
- [Injunction petition stating the violation of the Open Meetings Act](#) with details
- [Immediate Settlement Offer](#)
- [City Attorney Bovey response to settlement offer](#)
- [Article on Zoning Overhaul Controversy](#)
- [Another Article on Zoning Overhaul Controversy](#)
- [Attempted Resolution of Zoning Law Violation](#)
- [Original Zoning Law Violation](#)
- [Article on another zoning violation](#)