

No. 22-1025

In The
Supreme Court of the United States

SYLVIA GONZALEZ,

Petitioner,

v.

EDWARD TREVINO, II, MAYOR OF CASTLE HILLS, SUED
IN HIS INDIVIDUAL CAPACITY, ET AL.,

Respondents.

On Writ of Certiorari to the Fifth Circuit

JOINT APPENDIX

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Petition for a Writ of Certiorari Filed: Apr. 20, 2023

Certiorari Granted: Oct. 13, 2023

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Joint Appendix A

**Exhibit A to Plaintiff's Complaint
Reformatted from Pet. App. 136a
(September 29, 2020)**

PETITION

A Petition to Castle Hills City Council

FIX OUR STREETS

Reinstate former City Manager Diane Pfeil

- Due to our size and selected form of government, our city has always relied on the city manager to oversee construction projects.
- From 2014-2016, City Manager Diane Pfeil oversaw, from start to finish, over a dozen street projects including Herweck, Honeysuckle, Twinleaf, Gladiola, Zornia, Krameria, Tamworth and Castle Lane (which had a drainage component).
- All were completed on time and on budget.
- After Diana Pfeil's departure only one street project remained—Danube. Construction projected to last 90 days took 13 months to complete and taxpayers paid an extra \$260,000 in cost overruns.
- During the next three years, various city managers talked about streets, made up priority lists and paid for expensive engineering studies. None have fixed a single street.
- Diane Pfeil proved that she could both administer the city's mandated services of public safety, code enforcement, finance, municipal court and public information and still supervise and complete all of the projects undertaken during her tenure.

In the interest of restoring effective management, we the undersigned petition for the reinstatement of Diane Pfeil as City Manager of Castle Hills:

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Joint Appendix B

**Exhibit B to Plaintiff's Complaint
Reformatted from Pet. App. 137a-141a
(September 29, 2020)**

**CASTLE HILLS POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT**

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**CASTLE HILLS POLICE DEPARTMENT
Offense/Incident Report**

GENERAL OFFENSE INFORMATION Report Type: Cumulative Report

Agency	CASTLE HILLS POLICE DEPARTMENT
Case #	2019-06-0058
File #	
Description	THEFT (All others)
Incident Status	ACTIVE
Reporting Officer	TURNER 204, P.
Location	209 LEMONWOOD DRIVE CASTLE HILLS TEXAS 78213
From Date/Time	05/22/2019 15:46
To Date/Time	05/22/2019 18:30
Report Date	06/19/2019 15:03
Initial Rep. Date	06/19/2019 15:03

OFFENSE(S)

Offense	THEFT (ALL OTHERS)
Statute	UCR
Attempt Status	COMPLETED
Offense Status	ACTIVE
Location	GOVERNMENT/PUBLIC BLDG
Computer N	Alcohol N Drug N
Weapons	

Criminal Activity	
Bias Type	Bias Motivation

COMPLAINANT

Name	TREVINO, JR.		
Address		Phone	__-__-__
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	__-__-__	DL & St.	JRN#

VICTIM(S)

Name	TREVINO, JR.		
Address		Phone	__-__-__
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	__-__-__	DL & St.	JRN#
Type of Victim	GOVERNMENT		
Victim Of	NONE		
Injury Type			
Homicide/Assault Circumstance			

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SUBJECT(S)

Name	GONZALEZ, SYLVIA ANN		
Address	103 WICKFORD WAY CASTLE HILLS, TX 78213		
Phone	XXX-XXX-XXXX		
Race W	Ethnic H	Sex F	DOB XXX
Height 5'01"	Weight 170	Hair GRY	Eyes BRO
S.S.N. __-__-__	DL & St. X JRN#		
Sub. Type SUSPECT	Arrest ID	Citation #	
Notes			

Name	GONZALEZ, SYLVIA ANN		
Address	103 WICKFORD WAY CASTLE HILLS, TX 78213		
Phone	XXX-XXX-XXXX		
Race W	Ethnic H	Sex F	DOB XXX
Height 5'01"	Weight 170	Hair GRY	Eyes BRO
S.S.N. __-__-__	DL & St. X JRN#		
Sub. Type SUSPECT	Arrest ID	Citation #	
Notes			

PROPERTY

Property Category	DOCUMENTS/PERSONAL OR BUSINESS		
Loss Type	EVIDENCE		
Description	Petition		
Notes			
Make	Model	Style	
Serial No/VIN		Color	
Vehicle Year	Plate No/State/Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

Property Category	DOCUMENTS/PERSONAL OR BUSINESS		
Loss Type	STOLEN/RECOVERED		
Description	Petition		
Notes			
Make	Model	Style	
Serial No/VIN		Color	
Vehicle Year	Plate No/State/Type		
Loss Date	Loss Quantity	Loss Value	
Rec Date 5/22/2019	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug UOM	

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Entered By TURNER 204, P. _____

Officer TURNER 204, P. _____

Supervisor _____

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Incident # 2019-06-0058

TURNER 204, P.

Report Written by Sgt. P. Turner #204

On May 24, 2019 I was made aware by Chief Johnny Siemens of an incident that occurred during a city council meeting (continuation) on May 22, 2019. Chief advised me that City Mayor-JR Trevino would be contacting me in reference to the filing of a criminal complaint which surrounds allegation(s) that a sitting City Council Member, identified herein as SP, took without consent, a document/petition which belonged to the City and at that time was in possession of Mayor Trevino. I will be reviewing any and all video footage relevant to this case.

This case is currently under investigation. Nothing further.

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Incident # 2019-06-0058 (1)

Zuniga 125.

On Tuesday, May 22, 2019 after sitting in on a continued Council Meeting which occurred at City Hall, 209 Lemonwood Dr. located in Castle Hills, Bexar County, Texas, I was summoned by Mayor Trevino and asked if I could ask Council Woman Gonzalez to check and see if she had picked up some paperwork that belonged to Mayor Trevino.

It was determined that Council Woman Gonzalez did pick up the paperwork and place it in the back of her meeting binder.

The paperwork was ultimately given to City Secretary M. Gonzalez.

Capt. E. Zuniga

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Joint Appendix C

Exhibit C to Plaintiff's Complaint
Reformatted from Pet. App. 142a-157a
Substantive Text Only
(September 29, 2020)

CASTLE HILLS REPORTER NEWSLETTER

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July/August 2019

The Castle Hills

Reporter

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MESSAGE FROM THE MAYOR

Friends,

Words cannot express how honored and proud I am to be back serving our City. At the City Council Candidate Forum in April someone asked the question, if I would do anything differently this time on council. My initial reaction was that I would work equally as hard, but I remember what I did wrong on council. I wasn't able to tell enough residents about my struggles, failures, or successes. I will be working to share as much information as possible, so you know about my efforts to make our City better.

As most of you all know I sought out to buy my home in Castle Hills after growing up just down the street from our City. I long admired the small-town atmosphere, the perception of the tight knit community, and the idea that leaders could be accessible. We have great neighbors but the biggest value in Castle Hills is the people that work to give us the best possible services. I've said before that our employees are the lifeblood of our City and I strongly believe it. If it weren't for our outstanding services, Castle Hills would still be a great neighborhood, but it wouldn't be a City.

I have several goals and priorities as your Mayor. First and foremost is to ensure an open and transparent government which welcomes an array of perspectives. As the saying goes, I know what I know but I don't know what I don't know. This is where we need the citizens, the subject matter experts, to come forward to share your knowledge and independent

thoughts. During my campaign as I was knocking on doors, I was amazed at the diversity of our residents. I assure you that no matter what your vocation is, you can make an impact in Castle Hills. While we might not always agree, I truly believe that the best decisions land in the middle of differing opinions. If you aren't sure if you have the time to commit or you aren't sure what you want to do, please reach out to me. The City has numerous boards and commissions with varying level of commitment needs, if you would like, let's have a cup of coffee and find the right one for you!

My next goal is to support our City staff. In walking the streets, I heard the residents loud and clear you love our City services which I vehemently agree. Every aspect of the Castle Hills's services is top notch; of course, we can always be better and working to make that happen is one of my priorities. Below are my thoughts and perspective as it relates to each of our City departments:

Administration

While our office has seen turn over the years, our City Manager, Ryan Rapelye, has held the highest standards for all employees. In my opinion our administration could use some additional support. We regularly have residents come in and volunteer to help with permits. While the volunteers are always welcomed and much appreciated, I believe we find ourselves in a precarious situation when we are relying on volunteers to sustain day to day operations. Permits are essential to Castle Hills for a variety of reasons. Permits ensure that the City maintains a certain level of

safety, adheres to building standards, and provides a uniform look to our community; as determined by our ordinances. More importantly, permitting which encompass plan review and inspections generates revenue for the City to support these services. Home renovation and growth in our business community generate additional revenue in our ad valorem and sales tax which not only help to sustain City services but provide additional funding for projects like streets, drainage, or special projects.

Fire

Thanks to a good friend of mine that works for the Southwest Texas Regional Advisory Council, I have been brushing up on my emergency response knowledge. In my education of the first responder world I have come to learn about some of the most important factors that affect life safety is, “minutes” in correlation to response time. When lives are on the line minutes are precious, which is why it is extremely valuable to have our Fire Department that is literally 3 minutes away from anywhere in our City. When the minutes count, you can count on Castle Hills Fire to be on scene quickly. If the recent events in our area have shown anything is that while we feel safe in Castle Hills, we are not immune to catastrophic events.

Police

Following up from that last line, it is important to drive home the point that mass casualties don't discriminate where they happen. Being able to have our Police department is another example of having the

first responders when it matters. In walking the streets, many people think that we have a safe City. While I would agree that we do have a safe City, I have seen firsthand how hard our officers work to keep our City safe, I am a regular on the police ride-along. In my ride-along, I have seen arrests for illicit drugs, people driving under the influence, stolen vehicles, and felons in possession of firearms. In all of the arrests, there is one common variable, we have the best possible and most courteous officers working to keep our streets safe. Aside from the officers on the street, we have a great team of investigators that produce results at all levels. Whether it stolen items being recovered or are a business that had an employee that embezzled over \$100,000.

Public Works

Last but certainly not least, the public works team; which is my personal favorite. Rick and his team work nonstop to keep our City clean, maintained, and safe potential hazards; with a shoestring budget. Most notably, the team are incredibly modest, humble, and work in the shadows. Rick has been with the City for nearly 20 years and has done all the jobs and continues to do all the jobs as necessary. Unfortunately, Public Works experiences a great deal of turn over, Rick takes responsibility of training all new hires on how to maintain safety, repair and operate equipment.

At the end of the day, I know we have some of the best services around and some of the best department heads as well. My goal is to optimize service and ultimately provide the best value for our tax dollars. I'm confident with Mr. Rapelye's knowledge and

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experienced coupled with our relationships in the area, Castle Hills is poised for great things. I have had the good fortune of having numerous friends reach out to me so that their organizations can partner with Castle Hills to make our lives a little better. I look forward to sharing those individual details with you all in the upcoming months. Until then, if I can be of service please do not hesitate to contact me.

Yours in service,

JR Trevino

Mayor

JTrevino@CastleHills-TX.gov

210-559-5940

MESSAGE FROM THE CITY MANAGER

By Ryan D. Rapelye, City Manager

Development of the FY 2020 Budget!

The annual operating budget serves as a policy document, a financial plan, an operations guide, and a communications device for the City. It is the foundation for the City's allocation of resources toward service delivery plans to provide quality services and investments, and continued improvements. It also reflects incremental changes addressing service requirements and builds upon initiatives funded in prior years, while establishing new direction for programs. The budget document is also used to evaluate the effectiveness of City programs and services while providing extensive information on municipal operations.

As City Manager, I am tasked with the day to day operations of the city while carrying out the policies established by the council. As City Manager, it is my duty to prepare and submit to the council, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required for the efficient operation of each department of the city and the reasons for such estimated expenditures. The FY 2019 Proposed Budget which was eventually presented last August delivered a balanced budget with surplus for infrastructures and other capital expenses. The budget maintained the tax rate and afforded the opportunity to maintain current services levels for the residents of Castle Hills. The budget was defined and transparent and had recommended to

maintain all positions to ensure City services and continue to improve all customer services to our residents.

During the development of the FY 2020 Proposed Budget process, we must ensure we continue to maintain and provide excellent municipal services to citizens, businesses, and visitors while ensuring appropriate funding and tracking of all financial resources. The City operates in a fiscal year that begins January 1 through December 31; developing the budget comprehensively relies on the City Council's efforts to provide input and direction as well as City departments. The process should always include our residents in having the ability and opportunity to speak on the budget during two public hearings before final adoption. Council as well as the public input is necessary to capture this information related to services and projects in the community but there must be a hierarchy of function. The budget must fund basic city services first and then plan effectively in order to address the long-range projects.

As is the case with most municipalities, personnel/payroll costs encompass the largest single expense in a budget. Public safety requires round the clock staffing and specialized equipment which endures extensive wear and tear. The FY 2019 Adopted Budget covered core services such as Public Safety (Fire, Police and Dispatch), sanitation/streets within our Public Works, Municipal Court and Administration. The General Fund is the largest fund for the City and accounts for the general service and operations.

Last year in crafting the FY 2019 Proposed Budget, the focus was to maintain the City's core service and balance this with an emphasis on customer service; maintain the City's reserve at an adequate levels, which should protect the City from future uncertainties; project revenues which was established at reasonable levels, utilizing historical data; and ensure department and program costs will be budget at a reasonable level, which parallel the cost of providing services. All of these factors will still be key in developing the FY 2020 Proposed Budget.

As a part of the development of the FY 2020 Proposed Budget, one of the focuses will be the need to review current capital projects for streets and drainage underway and utilize the 5-year CIP to program the necessary dollars for initiating new capital projects next year. In reference to minor projects, the Public Works Department has a budgeted line item for \$50,000 for minor street/drainage projects around the community and part of the development of the FY 2020 budget is to review the need to increase and utilize "on demand" contractors similar to what we did recently on South Winston and Lemonwood.

The City of Castle Hills currently has \$3.2 million in associated street/drainage funds for infrastructure projects, these funds are infused by revenue from sales tax, digital billboards and stormwater billing/fees. Consequently, the City will eventually need to find an alternate funding for future infrastructure projects. The City in the future may need to issue certificates of obligation to borrow, possibly leverage partnerships and/or attempt to obtain grant funding to offset future costs of projects. Recently, the City

entered into a new long-term contract with a digital billboard company which will provide additional revenue for drainage and streets. Revenue from digital billboards is dedicated to drainage and streets and 80 percent of total revenue which equates to roughly \$3.9 Million for drainage over the life span of the contract. This revenue will be committed to future drainage projects and the new digital billboard will be erected in a commercial area near Loop 410.

The City of Castle Hills largest operating expense is the landfill fees in sanitation since we transport and dispose residential waste at a landfill outside of San Antonio. Over the years, the expenditure related to landfill fees has escalated in our sanitation department in association with the operating costs charged by the landfill. This may be different from other suburban cities around San Antonio which might contract these services for residential collection. In preparation of the FY 2020 Proposed Budget, staff has monitored this line-item expense and will review any necessary modifications which may need to be adjusted for this service.

As I have mentioned previously in articles, the City of Castle Hills has very good employees who are knowledgeable, talented and dedicated to their respected positions within the organization. As part of the development of the FY 2020 Proposed Budget, another focus should involve the need to recruit and retain personnel to the City of Castle Hills. As part of the development of the budget we should factor the need to have competitive salary and benefits.

The City of Castle Hills is fortunate and unique to have a dedicated public safety team which encompasses fire, police and dispatch. Another area in the development of the FY 2020 Proposed Budget is to ensure we are addressing first responders needs in our organization and community.

Moving forward, the City will have a number of workshops on the development of the FY 2020 Proposed Budget. This will be an opportunity for citizens to provide input and comment. The FY 2020 Budget Calendar is available on the City's website. Every budget is an attempt to balance current and future needs within the framework of limited resources. Council and staff will work cooperatively in constructing the proposed budget based on these those guidelines.

As always, I would like to provide an update on our capital projects in the pipeline:

- **Phase III Antler Drive Roadway Improvements** – Construction commenced in early May, currently the installation of utility work is underway and next will involve the reconstruction of the roadway. Project is expected to take nine months.
- **Street Maintenance Program – Seal Coat Bids** – The City has identified street candidates and developed a list of street segments to include in the 2019 SMP. The 2019 SMP for Seal Coat Projects will include, but not limited to approximately 29 different streets segments and 4 alleys for an approximate total length of 9.28 miles. The City did not receive any bids so our City Engineers will

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be reviewing and modifying the language in order to advertise again for bids.

- **Banyan/Glentower** – Engineering services and/or design is underway on the reconstruction of Banyan and Watershed III Drainage Improvement Phase 1 (Banyan Drive and Glentower Drive). Design is at 60% and the City will advertise for bids in September. Construction is expected to take nine months on these two projects.
- **Mimosa/Krameria to West Avenue** – Engineering services and/ or design is underway for Watershed II Drainage Improvement Phase I (Mimosa/Krameria to West Avenue). Design is at 60% and City will advertise for bids in September.

Please contact me at rrapelye@castlehills-rx.gov or at the office at 210.293.9673 if you have any questions on projects or need assistance with services from the City of Castle Hills.

COUNCIL COMMENTS

CLYDE R. McCORMICK

PLACE 1

A. In my article last issue, I wrote about the City Manager-Council form of government. I had found the first ordinance (Ordinance 182, passed by our City Council in 1963) which I believed adopted the City Manager form of government for Castle Hills. In subsequent research, I believe I have discovered that our city has been operating in violation of state law ever since 1963. It appears that the original ordinance 182 was invalid and the use of the City Manager form was done illegally because there was no election as required by statute. I believe our city had and has no authority to hire a City Manager as described in Local Government Code Chapter 25. Here is why:

The original state law statute, sections 1164a-1 through 1164a-10, were enacted in 1943 and remained substantially unchanged until codified as Chapter 25 of the Local Government Code in 1987. An ordinance passed by city council is preempted by a conflicting state law and is not effective to alter Texas statutes. The relevant provision is 1164a-3 (now Ch25 sections 25.022 thru 25.025), which provides in part: "Before the provisions of this Act shall apply to and become operative in any city of this State, it shall be submitted for vote to the legally qualified electors of such city for adoption, and shall receive a majority of all votes cast thereon at such election," and requiring the election be brought upon a petition of at least 20 percent of the total number of votes cast for Mayor in the last election, etc.... There was no petition and no

election or vote. Therefore, the City Manager form of government described in Chapter 25 cannot legally be used in Castle hills and the provisions of Chapter 22 apply to our city government.

This view was confirmed by Attorney General Opinion letter JC-0544, Aug 14, 2002, summarized in part as follows: “General law cities are creatures of statute and have only those powers expressly granted by statute or necessarily implied therefrom. The legislature has expressly designated the Mayor of a general law city as the budget officer of a municipality and has assigned specific duties to the Mayor. The City Council has no authority to reassign the Mayor’s statutory duties to another. The Mayor is expressly authorized to require other city officers to provide necessary information to him and may also delegate to city employees non-discretionary ministerial and administrative tasks necessary to carry out his statutory duties.”

However, Section 25.051 was amended by the legislature in 2003 adding 25.051(b) which provides in pertinent part, as follows: “This chapter does not limit the authority of the governing body of a general-law municipality to appoint and prescribe the duties of a municipal officer or employee under Chapter 22, 23 or 24.” This appears to mean that the Governing body might appoint a “City Administrator” (or “City Manager”), under the provisions of Sections 22.071 and 22.072, to assist the Mayor, under the Mayor’s direction and supervision, in carrying out day to day administrative functions and ministerial duties assigned to the Mayor by section 22.042 and Chapter 102 Local Government Code (LGC), and the Mayor

retains his assigned responsibilities. Looks to me like Chapter 22 now applies.

B. A question was raised last month regarding removal of General-law City Mayors and City Councilmembers. Let me clear up -- there is NO Recall Election procedure available to the citizens of Castle Hills.

This is a very abbreviated summary of the relevant portion of Chapter 21 of the Texas Local Government Code (LGC). The general grounds for removal are incompetency, official misconduct and intoxication on or off duty (unless alcohol is prescribed). (LGC Section 21.025). A sworn pleading for removal may be filed with the district court in the officer's county of residence by any six-month resident of the municipality who is not under indictment in the county. (LGC 21.026). The court will require a bond to be posted by the complainant. (LGC 21.028). The petition must set out the specifics of the grounds for removal complained of in clear terms including the date, time and place. (LGC Section 21.026) The grounds for removal must have occurred since the last election of the officer, unless facts were unknown to voters at the time of the election, (LGC 21.024). The complainant must obtain citation and service on the officer sought to be removed. If the Judge denies citation, the matter is dismissed and costs shall be assessed against the complainant. (LGC 21.027) The officer shall have the right of trial by jury or may choose to be tried by the judge of the court. The case will be prosecuted by the district attorney assisted by the complainant. These matters have precedence over other court business. If the removal is not affirmed the officer remains in

office and the court may assess damages and costs against the persons filing the removal action. Alternatively, the court may affirm the removal action. Either party may appeal the court's decision (LGC 211.027, 21.029-21.030). I don't know of any reported cases of removal under this statute.

In addition, per Section 21.031 LGC-any conviction of an elected officer of a felony, or of a misdemeanor involving official misconduct, operates as an immediate removal from office. The court rendering judgement shall include a removal order in the judgment. Further, in the event of an appeal, the court rendering the judgment may suspend the officer, if in the public interest, pending final judgment on appeal.

Once final, a judgment of removal makes the officer ineligible for re-election to the same office before the second anniversary of the date of removal. (LGC 21.032)

C. We need interested volunteers for a variety of city committees including zoning. Expressions of interest in any committee may be forward to the City Manager. Or, in the case of the Zoning Commission, to me, Clyde R. "Skip" McCormick, 210-383-8941, cmc-cor5683@aol.com.

I attended a Grant Management program this week (at my own expense). Someone asked how things were, politically, in Castle Hills. My Response was "In our beautiful little community we enjoy all the benefits of the National Political Dysfunction!"

Someone came up to me last month and actually apologized for comments made during a council meeting.

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Nicest thing that has happened to me recently. Been a rough year so far. Are you interested in good government? Want to be an active participant? Please contact me Clyde R. "Skip" McCormick, 210-383-8941, cmccor5683@aol. com.

MARK F. SANDERSON
PLACE 2

Greetings!

As your new Alderman, I thought I'd introduce myself and give you bit on my family and me. Currently, I work as a software engineer in a remote capacity for a DC based engineering company Specializing in highly complex software systems. It is a job that is quite demanding, requiring that I keep up to date on the latest and greatest technology.

Visitors to my house will notice that I enjoy technology, and have many 'Smarr Home' toys that help us enjoy our home. My hobbies include Computers and Technology (of course), High-Powered Amateur Rocketry (NAR Level One Certified), Ham Radio (General/KE5BAY), racing RC Trucks and flying RC Airplanes and projects around the house. Although I'm not current, I am also a private pilot as well (SEL/VFR). You might see me tooling around the neighborhood on my Red Harley-Davidson Ultra Ltd on which I do my own repair work.

My wife Rassel is from the Philippines and earned her US Citizenship nearly two years ago in a very emotional Austin, Texas ceremony. She is a woman of many talents, as evidenced by her amazingly artistic Easter celebration that she has put on for friends and

neighbors past 3+ years here in Castle Hills. Fluent in no less than five languages (Visayan, Capiznon, Tagalog, Hiligaynon/Ilonggo and English) as well as a working knowledge of Chinese and Japanese her language skills surpass just about anyone I know.

As a political newcomer, I am quite lucky to have a wife who is also an experienced political worker in her native Philippines. As teacher and mother she is unsurpassed in my eyes. She is mother to our only child, Charles Frederick, the focus of our lives. I have certainly married up.

Charles, our son, is five years old, and is a 'graduate' of the Christian School of Castle Hills Pre-School and is now on his way to starting Kindergarten class in Castle Hills Elementary. His hobbies include running his RC truck in the back yard, learning to read and write, and playing with his monster trucks in the sand and dirt. Thankfully he has his mother's looks and great attitude!

It will take a little while for me to settle into my new role as your representative. I am both humbled and awed at the responsibility that you as citizens have entrusted in me. Please be patient and keep in mind that I'm not, and never will be, a politician. My habit of 'shooting from the hip' will be distressing to some, and I apologize in advance to those who might be offended. It is my hope that we will all learn how to accept each other's differences while feeling free to openly criticize policy matters that are important to us all. Public debate should be passionate, open and honest with no fear of humiliation or embarrassment.

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My goals are for us to have a civil environment during council meetings that will not be intimidating or disrespectful. I hope to help pass into law new zoning restrictions that will help protect our residential quality of life. We have much work to do on eliminating illegal residential businesses. A lot of work still remains on streets, flooding and making Castle Hills as more family-friendly environment to raise our children in.

Feel free to call me at any time 210 848 0661. Leave a voice mail if I don't answer; I will return your call as soon as possible. Feel free to email me, but I don't believe that email is the best medium to air grievances and solve problems. I appreciate the in-person approach. I have reserved Sunday afternoons for discussing constituent issues. I look forward to being your advocate!

Mark F. Sanderson
(210) 828-0661
msanderson@castlehills-tx.gov

SYLVIA GONZALEZ
PLACE 3

New Zoning Commission Members

One of the first actions of the new City Council was the nomination and approval by Council of Zoning Commission members to serve two year terms. The process this year was for each Councilmember to nominate a candidate, and Council then voted to approve (or not) each nomination.

I nominated Joe Rodriguez to serve as Chairman of the Zoning Commission, and he was approved. Lesley Wenger nominated Jana Baker, Douglas Gregory

nominated Margo Pena and Mark Sanderson nominated Todd Herman—all were approved.

The Zoning Commission is composed of five members and two alternates. Since Skip McCormick's nominations were not approved, there is an open seat on Zoning until Mr. McCormick provides a nomination that the majority of Council approves.

In order for the Zoning Commission to be complete in the interim, two alternate members were nominated and approved: John Hernden and George Booth who can fill in for the 5th seat or for a regular member who is unable to attend a Zoning Meeting.

The Zoning Commission is required by State Law if a city has zoning regulations. It is an advisory board and makes recommendations to Council on all matters related to our zoning codes and individual requests from property owners for the proper use of their property according to city policy.

We have a number of important issues coming up that were not finalized by the prior Zoning Commission:

- A policy on short-term rentals if we decide to begin allowing such uses as Airbnb's.
- Prohibition of impound lots within the City of Castle Hills limits.
- Acceptance or rejection of changes proposed by the Zoning Review Committee—a process also required by State Law—most of which have been waiting for a recommendation for over two years.

The new members of the Zoning Commission are all long-term homeowners who have opposed unwanted

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development in their neighborhoods and believe in protecting the special residential qualities desired by the majority of their neighbors.

Sylvia Gonzalez
(210) 912-6664
sylvia.gonzalezl@yahoo.com

LESLEY WENGER
Mayor Pro-Tem, PLACE 4

What Purpose do Fees Serve?

Some of the most common complaints from residents of Castle Hills have to do with fees the city imposes, particularly the fees imposed by Public Works for pickup of tree limbs and extraordinary items—many of which homeowners consider to be arbitrary. Part of the problem is that the fees that have been approved by Council are no longer posted on the website, so there is no easy way for a homeowner to determine if these fees are appropriate or accurate. But then there are all the other fees the city imposes which, in many cases, serve no purpose other than to collect money. I raised this issue at the January 8, 2019 Council Meeting, to consider eliminating tree trimming and roofing permit fees for starters. However, Council wanted to know what the impact would be on the Budget.

The opportunity to re-consider all permit fees, and how they benefit residents, will come up in our Budget Workshops this year, which begin in July. Usually most citizens do not attend these workshops, but this is when Council determines how we spend your tax money for the coming year. The two permits I brought up in January, along with many others, do not protect

residents. In the case of roof permits, Council voted, in 2016, to reduce the fee from a percentage of the proposed cost to a flat fee of \$100 plus \$50 for reinspection which is cursory at best. In the event that you have a problem with a new roof, the city takes no responsibility—that is a matter between you and the roofing company. San Antonio does not issue or charge for roofing permits. Tree permits, which are viewed as a way to prevent oak wilt and other tree damage, also do not serve that purpose. They are issued for one month, to allow for tree trimmers' availability and scheduling changes. That means that the city has no idea what day the trimming is taking place and no one will be checking to make sure the tools used for cutting are clean or that the cuts are painted—that, again, is between you and the tree company you hire. The only function the city plays is to not issue permits for companies that may have been found disreputable—something that can be determined, if such a list exists, by a phone call to City Hall or a posting on the city website. On the other hand, some permits, for new construction, are useful to maintain structural and safety compliance; electrical wiring and new plumbing, if not done correctly, can cause fires and flooding which could impact adjoining properties. Your experience with city fees will be useful in determining which fees should be maintained and which should be eliminated.

Lesley Wenger
(210) 377-3636
wengertx@satx.rr.com

Code Compliance

Happy 4th of July. I would to acknowledge all of our veterans and active duty service members and their families. Thank You for service and sacrifice to our Great Nation!

This month's topic will be trees. When a tree falls from one private property onto another private property, the duty to remove the fallen debris is with the property owner upon which the debris has fallen onto. That the debris originates from a neighboring property is not relevant for the purposes of a code violation as there is no language in the code that addresses this sort of civil issue. The City cannot and will not get involved in a matter of civil damages not caused by public property and therefore cannot advocate for one side or the other in these disputes.

As for tree removal in emergency circumstances, the code states that "Trees in need of emergency pruning that threatens lives or property due to damage beyond the control of the owner, may be trimmed or removed without a permit. ... All wounds on oak trees shall be painted immediately or as soon as weather and/or daylight allows (see section 48-104), and debris must be removed within 48 hours." Section 48-77 (c) and Sec. 48-56 states that "In the event of a dead, dying or diseased tree with an infestation threatening other trees, or the tree(s) pose a hazard to life or property which cannot be mitigated without its removal, the city manager may authorize the immediate removal of the tree(s) without the need for involvement by the architectural review committee."

If you plan a construction project that involves the removal of trees, please note that such a project will need to come before the Architectural Review Committee as referenced in Sec. 8-48 “(c) If the project requires removal of trees, this request must be clearly documented in the architectural review committee application, and payment for the tree removal as provided in the city fee schedule shall accompany the application, and supporting documentation per Chapter 48 Article II shall be provided.”

Any other tree removal request is addressed in Sec. 48-55 which states that “The city architectural review committee shall review and hold a hearing on all tree removal requests when required by this Code. The architectural review committee shall make a recommendation to the city council for approval, approval with modifications, or disapproval of every request for protected or heritage tree removal.

Though not all-inclusive, the following are examples of tree removal requests that may be approved by the architectural review committee:

1. Trees so located as to prevent access to the property or as to preclude reasonable and lawful use of the property;
2. Dead, dying or diseased such that recovery is not practicable.

Thank you for your time and as always, you can always file against your neighbor in Municipal Court if you feel that the City Code does not represent your personal interests.

Passports

The City of Castle Hills is now officially able to accept paperwork for U.S. passport applications at city hall. The passport application services are available on a walk-in basis:

- Monday: 8:30 am to 2 pm;
- Wednesday: 8:30 am to 4 pm;
- Friday: 10 am to 2 pm;

Appointments are available for Saturdays from 8:30 a.m. to 1:30 p.m.

To schedule an appointment call (210) 293-9674 or (210) 342-2341.

For more information regarding how to apply for or renew your passport, please visit the U.S. Department of State website at: <https://travel.state.gov/consentant/travel/en/passports.html>

DWI Fatality Crash and Other Happenings

On June 9th police officers responded to the 1700 blk NW Loop 410 for a rollover accident. When the officers arrived, they began to assist the injured driver and began the crash investigation. At that point tragedy struck. A driver of another truck lost control and struck two patrol vehicles. The out of control vehicle continued towards an officer walking on the shoulder of the highway, causing him to have to jump over the concrete barrier, falling 20 feet to the frontage road below to save his life. The vehicle continued towards our other officers as well as a group of good Samaritans tending to the driver of the original crash. This

caused another officer and two civilians to jump from the highway, falling 20 feet as well, to the frontage road below. The vehicle struck two other civilians, causing the death of one and seriously injuring the other. The investigation of the second crash led officers to believe that the driver was intoxicated at the time of the accident. Both officers that jumped from the highway to the frontage road below sustained injuries and were transported to the hospital. Both officers have been released from the hospital and are recovering.

One person's decision to drink and drive contributed to a tragedy that effected so many families. This poor choice impacted the good Samaritans, who were trying to provide help to an injured crash victim, along with their families; it effected the police officers that were injured and their loved ones who must help them in their recovery. Further, the police department was impacted having their colleagues injured. Lastly, it has affected our community, especially those who have always stood strong in support of their police officers and department.

The outpouring of support for the injured officers and the police department has definitely assisted putting this event behind us. This incident has brought the Castle Hills Community together in support for all the victims of this senseless tragedy to a level I have personally never seen in my nineteen years of employment with the city. Many members of the community offered their support for the officers by making monetary donations, sending cards, or bringing food to the officers. Thank you all so much. The 100 Club of San Antonio also provided substantial support from there

agency to the officers and their families. This outpouring of support to the injured officers and the police department has definitely assisted putting this event behind us.

This tragedy has strengthened the resolve of the members of the police department to continue to arrest drivers, who are intoxicated, in an effort to keep the community safe. Remember to plan while you can and have arrangements made if you are going to consume alcoholic beverages and need a means to get home. Please do not Drink and Drive.

Three officers were recognized by the Mothers Against Drunk Driving (MADD) for their commitment to DWI Enforcement during 2018 and the police department was also recognized as an outstanding agency for their collective efforts as well. The department, as well as its members, have been recognized for several consecutive years for consistency in DWI enforcement.

2019 National Night Out

National Night Out is a nationwide event sponsored by the National Association of Town Watch (NATW). Registration is free and is now open. National Night Out will take place **Tuesday, October 1, 2019**. Most events start around 6:00 PM and are scheduled to last until 10:00 PM.

Registration is required if your community is planning on hosting its own events or activities. From gatherings to block parties to snacks and visits by police officers, neighbors are encouraged to come outside and meet one another and learn about happenings in

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their neighborhood. This is a great opportunity to exchange information that can heighten crime and drug prevention awareness while letting criminals know that neighborhoods are organized and fighting back.

National Night Out, an annual community-building campaign, promotes partnerships between citizens and police and encourages the creation and participation in neighborhood watch groups.

Online registration is now open at <https://natw.org/registration>. Get registered today and give yourself plenty of time to plan a successful event!

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Joint Appendix D

**Exhibit D to Plaintiff's Complaint
Reformatted from Pet. App. 158a-163a
(September 29, 2020)**

COMPLAINT/AFFIDAVIT FOR WARRANT OF ARREST

CM 061715

**COMPLAINT / AFFIDAVIT FOR
WARRANT OF ARREST**

Warrant No.: _____

**THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §**

THE UNDERSIGNED AFFIANT, BEING A PEACE OFFICER UNDER THE LAWS OF THE STATE OF TEXAS, AND BEING FIRST DULY SWORN, ON OATH MAKES THE FOLLOWING STATEMENTS AND ACCUSATIONS:

1. Affiant believes that a specific criminal offense has been committed against the peace and dignity of the state, *to wit*:

Offense Name: Tampering with
 Governmental Record

Offense Statute: §37.10(c)(1),
 Penal Code (MA)

TXDPS Offense Code: 73990623

Bexar County

Offense Code: _____

Offense Date: 05/22/2019

2. Affiant believes, and hereby charges and accuses, that the above-listed offense was committed in Bexar County, Texas on or about May 22, 2019 by the following named and described individual:

**Sylvia Ann Gonzalez, a white female,
Date of Birth: 08/30/1946 (SID #: 1122375)**

3. Identification and qualifications of Affiant:

My name is Alex Wright and I am the Affiant herein. I am a peace officer under the laws of the State of Texas and am currently commissioned as a Special Detective with the Castle Hills Police Department (“CHPD”) in Bexar County, Texas. In my role as a Special Detective I am assigned, as needed, to conduct Investigations which might otherwise be considered sensitive, or delicate, either due to the nature of the crime or because of the parties involved. I have over twenty (20) years of experience as a police officer and hold a Master Peace Officer license from the Texas Commission on Law Enforcement. I am also a licensed police instructor and field training officer. During my tenure as a Texas peace officer I have received extensive training and experience in the field of criminal investigation and have participated in numerous investigations into a wide variety of both state and federal criminal law violations. I also have a Bachelor of Science degree in Criminal Justice with a major in Law Enforcement from Southwest Texas State University. I also have a Juris Doctorate degree from St. Mary’s University School of Law, and I am licensed to practice law in the State of Texas and 14 other states.

4. I conducted interviews, obtained statements from witnesses, and reviewed evidence during which the following information and facts were obtained,

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causing me to have probable cause for the above-stated beliefs and accusations:

On June 18, 2019 I was contacted by CHPD Police Chief Johnny Siemens and was assigned as the lead investigator on this case, bearing CHPD Case No. 2019-06-0058.

I obtained the initial offense report which was written as a "Theft" report. The report referenced some petitions belonging to the city which were allegedly stolen by a Castle Hills alderman named Sylvia Ann Gonzalez (herein sometimes "Gonzalez" or "Defendant Gonzalez"). The Complainant is the current mayor of the City of Castle Hills, Texas, Edward "JR" Trevino II (herein sometimes "Mayor Trevino"). Another primary witness is CHPD Captain Esteban "Steve" Zuniga (herein sometimes "Capt. Zuniga").

On June 24, 2019 I met with Mayor Trevino (as the original Complainant) and interviewed him about the events in question, and he responded by providing me with the following facts:

Defendant Gonzalez was, until July 9, 2019, serving as an alderwoman for the City of Castle Hills, Texas. From her very first meeting in May of 2019 she (along with another alderwoman) has been openly antagonistic to the city manager, Ryan Rapelye, wanting desperately to get him fired. Part of her plan to oust Mr. Rapelye involved collecting signatures on several petitions to that effect.

On the evening of May 21, 2019 a public meeting of the Castle Hills City Council was held at city hall, located at 209 Lemonwood Dr., Castle Hills, Bexar County, Texas 78213. This meeting was presided over by Mayor Trevino. During the public commentary portion of the meeting, a citizen presented twenty-six (26) separate petitions (the "Petitions") to Mayor Trevino which each called for the removal of the city manager Ryan Rapelye (under the guise of "FIX OUR STREETS"). As the presiding officer of the city council meeting, Mayor Trevino accepted the Petitions as city property and put them among his papers for filing with the city secretary at the conclusion of the meeting. At that moment the Petitions became city property and "governmental records" as defined by §37.01(2), Penal Code.

Also during the public commentary portion of the meeting, a citizen named Chalene Martinez took the microphone and said that Defendant Gonzalez had personally come to her home to solicit her signature upon one of the Petitions. Ms. Martinez then publically accused Gonzalez of misleading her regarding the actual nature and purpose of the petitions, and said that Gonzalez asked her to sign under false pretenses. The council meeting went long and due to the lateness of the hour Mayor Trevino announced a recess and said that the meeting would resume at 4pm the next day, May 22, 2019.

The following day, Mayor Trevino arrived early for the continuation of the city council meeting.

In light of the serious allegations made by citizen Chalene Martinez the night before, Mayor Trevino used this time to start sifting through the Petitions in search of any anomalies. As the 4pm meeting start time drew near, Mayor Trevino attached a large black binder clip to the stack of 26 Petitions and placed them on top of his other paperwork, all of which was in his working area on the desktop of the dais (the "dais" is the bench at which the city council sits). During the meeting he noticed that the Petitions were gone and he assumed the city secretary had collected them. He also noticed that an identical binder clip and paper stack size was now inside Gonzalez' large 3-ring binder, but thought it to be a coincidence. Defendant Gonzalez' seat on the dais is to the right of, and adjacent to, Mayor Trevino's seat.

At the end of the meeting the city secretary asked Mayor Trevino for the original Petitions, causing him to realize that she hadn't collected them. These were the original Petitions, carried over from the previous night's meeting and were still in Mayor Trevino's possession as the presiding officer who received them. At this point, recalling seeing the same binder clip and paper stack size inside Defendant Gonzalez' 3-ring binder, Mayor Trevino suspected that Defendant Gonzalez had taken the Petitions. Mayor Trevino then waived to get the attention of CHPD Capt. Zuniga who was near the back of the room helping to shut off lights. Capt. Zuniga walked to where Mayor Trevino was standing on the dais.

(Note regarding Capt. Zuniga's presence at the meeting: Each city department sends a representative to city council meetings so they are on-hand to answer any questions, as needed. On this particular evening Capt. Zuniga was representing the police department in the place of Chief Siemens who could not attend.)

Mayor Trevino explained to Capt. Zuniga that he suspected Defendant Gonzalez had taken the Petitions. Mayor Trevino then observed as Capt. Zuniga asked Defendant Gonzalez if she had taken the Petitions, which Gonzalez promptly denied. Capt. Zuniga then asked Defendant Gonzalez if she was sure, at which point Gonzalez walked back to her spot on the dais. Once back at her seat with her 3-ring binder in front of her, Defendant Gonzalez opened her 3-ring binder and then started slowly flipping through its contents, stopping before reaching the black binder clip at which point she declared, again, that she did not have the Petitions. Mayor Trevino explained that the petitions were clearly visible but Gonzalez was just trying to avoid "finding" them. Mayor Trevino and Capt. Zuniga then both pointed to the clearly visible black binder clip at the back of Defendant Gonzalez' 3-ring binder. At that point Defendant Gonzalez simply pulled the black binder clip out of her 3-ring binder, revealing that these were indeed the missing original Petitions. As she produced the Petitions, Gonzalez never questioned that they belonged to the city or tried to claim that they were hers. As the incident drew to a close, the

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Petitions were given to the city secretary for safekeeping as governmental records.

On June 27, 2019 I met with Esteban “Steve” Zuniga, a Captain with the Castle Hills Police Department, and interviewed him about the events in question, and he responded by providing me with the following facts, which I found to be consistent with Mayor Trevino’s statement of facts:

In addition to supporting the account of events provided to me by Mayor Trevino, Capt. Zuniga’s account also mentions additional observations. Defendant Gonzalez twice denied having the Petitions. When Gonzalez did, eventually, pull the petitions out of her 3-ring binder, Capt. Zuniga reports that Gonzalez told him that she thought those were extras. But Capt. Zuniga found that statement odd because, if true, then he questioned why she twice told him, only moments before, that she did not have the Petitions in her binder. Further, if she thought she had a right to them (because they were copies) then surely she would have spoken up when asked. Also, Defendant Gonzalez moved very slowly while seemingly pretending to look for the Petitions in her 3-ring binder, which she ultimately found and produced.

I then watched the surveillance videos from the council chambers which covered the timeframe of the events previously described (which had previously been secured as evidence by officers prior to my assignment to the case). This is what I observed:

Video 1 Petitions Taken:

The time marks listed below do not refer to the time of day, but rather they refer to the minutes and seconds into the video at which that scene is visible.

4:34: For the first time this day, Gonzalez approaches her seat on the dais (to the right of, and adjacent to, Mayor Trevino's seat). At that time, Mayor Trevino is standing near his seat, but is facing the other way while engaged in a conversation. Gonzalez then moves to her left in order to reach over Mayor Trevino's stack of documents.

4:36: After looking around, Gonzalez picks up the Petitions from on top of Mayor Trevino's binder and quickly pulls them toward her seat. There is no mistaking that the Petitions were in the Mayor's pile of documents, not Gonzalez' pile.

4:41: Gonzalez turns the Petitions toward her, looks at them directly, and begins flipping through pages. There is no mistake—Gonzalez knows what she is holding.

4:43: Gonzalez organizes the Petitions by knocking them on the desk.

4:47: Gonzalez moves the Petitions to the desk-top in front of her, lays them down on the desk to the right of her binder, and then opens her binder up so that the cover obscures the Petitions.

4:51: Mayor Trevino notices activity near his binder and reaches over to pick his binder up, not realizing that Gonzalez has just taken the Petitions.

This video clearly shows Defendant Gonzalez intentionally concealing and removing the Petitions from city custody.

Video 2 Petitions Recovered:

The time marks listed below do not refer to the time of day, but rather they refer to the minutes and seconds into the video at which that scene is visible.

1:40: It is evident that Mayor Trevino has realized that he no longer has the Petitions and returns to his seat on the dais to look for them.

1:43: Mayor Trevino bends over, looks at Gonzalez' binder, and confirms that the large binder clip is still inside her 3-ring binder. This is consistent with Mayor Trevino's sworn statement wherein he said he recalled seeing the binder clip in Defendant Gonzalez' 3-ring binder. At this same time Defendant Gonzalez can be seen at the far left side of the frame.

1:47: Mayor Trevino waves for Capt. Zuniga to come his way, toward the dais.

2:05: Mayor Trevino is talking to Capt. Zuniga.

3:16: Capt. Zuniga has walked to Defendant Gonzalez and is talking to her.

4:00: Defendant Gonzalez has returned to her seat position at the dais and has pulled her 3-ring binder toward her.

4:06: Defendant Gonzalez slowly flips through the contents of her binder, stopping before reaching the black binder clip. It appears as though Defendant Gonzalez was trying to avoid “finding” the Petitions which she has already affirmatively stated that she does not have.

4:20: Defendant Gonzalez appears to be running out of papers to slowly flip through and will soon reach the Petitions.

4:24: Mayor Trevino and Capt. Zuniga finally just point to the obvious binder clip containing the Petitions. It appears to me that Defendant Gonzalez realized that she could pretend no longer, so she simply pulled the Petitions out of her binder without further hesitation.

4:46: The Petitions are given to the custody of the city secretary for safekeeping as governmental records.

After watching these videos I was able to confirm the accounts of the events as they were given to me by Mayor Trevino and Capt. Zuniga.

Of particular note to me was that these videos show several furtive movements by Defendant Gonzalez. Gonzalez appeared to be purposefully avoiding “finding” the Petitions by feigning her failure to notice the obvious binder clip which those around her could clearly see. Also, she

moved extremely slowly while looking through her 3-ring binder, only thumbing through a few pages at a time, much more slowly than someone would do if they were trying to prove that they didn't have the Petitions. It seemed as if she was wasting time hoping for some form of rescue.

On July 2, 2019 I met with Capt. Zuniga and obtained his sworn statement of the events, which was wholly consistent with the facts he provided to me during our previous interview.

On July 7, 2019 I met with Chalene Martinez, the citizen who spoke out against Gonzalez at the May 21, 2019 city council meeting. I interviewed her and obtained her sworn statement regarding the following events: Gonzalez had personally gone to Ms. Martinez' house on May 13, 2019 to get her signature on one of the petitions under false pretenses, by misleading her, and by telling her several fabrications regarding Ryan Rapelye which Ms. Martinez felt was damaging to his reputation. Although Defendant Gonzalez' Interaction with Ms. Martinez does not have a direct bearing on the offense charged herein, it is relevant as it supports a motive for Defendant Gonzalez' desire to steal the petitions—before further scrutiny could be brought to bear upon Chalene Martinez' signature thereon.

On July 8, 2019 I met with Mayor Trevino and obtained his sworn statement of the events, which was wholly consistent with the facts he provided to me during our previous interview.

I also contacted Gonzalez several times during the course of my investigation, offering her the opportunity to give me her version of events; however she refused to talk to me.

5. My Interviews and investigation of the witnesses discussed above revealed them to all be credible and reliable, and I find their reputations for truth and veracity to be excellent.
6. I then compared the facts which I had learned during my investigation with the elements of the offense charged, above, and found that the elements had been satisfied, as follows:

Tampering with Governmental Record

§37.10(c)(1), Penal Code (MA)

A person commits an offense if the person:

1. intentionally
2. destroys, conceals, removes, or otherwise impairs
3. the verity, legibility, or availability
4. of a governmental record

“governmental record” means anything belonging to, received by, or kept by government for information. §37.01(2), Penal Code.

In this case, the governmental records are the 26 Petitions which Defendant Gonzalez intentionally concealed and/or removed from being available.

Conclusion:

After reviewing the above-described facts, circumstances, witness statements, surveillance videos, and other evidence, and after taking into account all statutory exceptions to criminal liability, if any, I have concluded my investigation in this case. I have good reason to believe, and do believe, that **Sylvia Ann Gonzalez** committed the above-listed offense, against the peace and dignity of the state.

WHEREFORE, I hereby pray for the issuance of a warrant of arrest authorizing the arrest of **Sylvia Ann Gonzalez** and charging that she has committed the above-listed offense.

Respectfully submitted,

/s/ Alex Wright #410

Alex Wright, Affiant

Special Detective, Badge #410

Castle Hills Police Department

SUBSCRIBED and SWORN to before me by said Affiant on this the 17 day of July, A.D., 2019, at 2:32 o'clock P.M.

Hon. /s/ Maria Teresa Herr,
presiding

Judge, 175 Judicial District Court
Bexar County, Texas

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Joint Appendix E

**Exhibit A to Defendants-Appellants' Response
to Plaintiff-Appellee's Petition for Rehearing
En Banc, Reformatted
(October 17, 2022)**

**VOLUNTARY STATEMENT UNDER OATH OF
JESUS QUILANTAN**

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VOLUNTARY STATEMENT UNDER OATH

Name: Quilantan, Jesus A.; Gender: M; Date of

Birth: 08/25/1995; Address: 206 Chattington Ct, Cas-

tle Hills TX, 78213 Cell Phone: (XXX) XXX-XXXX;

Other Phone: N/A

I am the person whose name is listed above and I make this statement voluntarily. I **have not** been threatened or coerced to make this statement. I **have not** been promised anything in return for making this statement. This statement is true and accurate, and is based upon my personal knowledge or observations. I understand that this statement is being made to assist officers of the Castle Hills Police Department in the performance of their duties. **I also understand that it can be a crime to knowingly make a false statement to a peace officer or to an employee of a law enforcement agency (§37.08, Texas Penal Code).** I am over the age of eighteen, of sound mind, am competent, and am capable of making this affidavit, the facts of which I have personal knowledge and which I know to be true and correct. I hereby state as follows:

One evening, city council member Sylvia Gonzalez made a residential visit to the above address to garner support, in the form of signatures (see Exhibit A), for a petition of political purpose. At the time of occurrence, the only persons in the residential dwelling were Karina Quilantan (11 years old), Noah Quilantan (17 years old), and myself. I had answered the

door and recognized Sylvia because she had made visits to the residence on earlier occasions. I was comfortable in her presence and trusted her to the extent that I had invited her into the house as my parents, Jesus A. Quilantan Sr. and Sandra A. Quilantan, had done before—she declined stating her pet was in the car, waiting. Sylvia then presented me with the aforementioned petition (Exhibit A) and told me the gist of her reasoning for starting it—the city manager hadn’t kept certain promises that were made and the petition served to have him removed and replaced. As she was explaining this, she simultaneously handed me Exhibit A, which was placed on a clipboard. Knowing my parents had supported her—they had her sign posted on the front lawn—for election, I deduced they’d also support Sylvia’s petition (Exhibit A). She then asked if my parents were home and upon learning that they weren’t, she attempted calling my father but was unsuccessful. She did not leave a voicemail. She then stated I could sign for my parents saying they wouldn’t mind so, because I trusted Sylvia, I did.

/s/ Jesus A. Quilantan, Jr. 20190707
Signature of Affiant Date

SWORN TO and SUBSCRIBED before me this 7th day of July, 2019.

/s/ Alex Wright
Alex Wright, Peace Officer
(pursuant to §602.002(17), Texas
Government Code)

A Petition to Castle Hills City Council

FIX OUR STREETS

Reinstate former City Manager Diane Pfeil

- Due to our size and selected form of government, our city has always relied on the city manager to oversee construction projects.
- From 2014-2016, City Manager Diane Pfeil oversaw, from start to finish, over a dozen street projects including Herweck, Honeysuckle, Twinleaf, Gladiola, Zornia, Krameria, Tamworth and Castle Lane (which had a drainage component).
- All were completed on time and on budget.
- After Diana Pfeil's departure only one street project remained—Danube. Construction projected to last 90 days took 13 months to complete and taxpayers paid an extra \$260,000 in cost overruns.
- During the next three years, various city managers talked about streets, made up priority lists and paid for expensive engineering studies. None have fixed a single street.
- Diane Pfeil proved that she could both administer the city's mandated services of public safety, code enforcement, finance, municipal court and public information and still supervise and complete all of the projects undertaken during her tenure.

In the interest of restoring effective management, we the undersigned petition for the reinstatement of Diane Pfeil as City Manager of Castle Hills:

<u>Print Name</u>	<u>Signature</u>	<u>Street Address</u>
Artemisa G. Valdez	<u>/s/ Artemisa G. Valdez</u>	105 Chattington CT
Olga Guevara	<u>/s/ Olga Gue- vara</u>	107 Chattington Ct
Esther Toscano	<u>/s/ Esther Toscano</u>	113 Wickford Way
Gene Toscano	<u>/s/ Gene Toscano</u>	113 Wickford Way
Joseph Gonzalez	<u>/s/ Joseph Gonzalez</u>	103 Wickford Way
Jesus A. Quilantan Jr.	<u>/s/ Jesus A. Quilantan Jr.</u>	206 Chattington CT
Jesus A. Quilantan Sr.	<u>/s/ Jesus A. Quilantan Sr.</u>	206 Chattington CT
Sandra Quilantan	<u>/s/ Sandra Quilantan</u>	206 Chattington CT
John Browning	<u>/s/ John Browning</u>	110 Riviera Drive
Janis Jarosek	<u>/s/ Janis Jarosek</u>	110 Riviera Dr.